









# RESOLVES

OF THE

## GENERAL COURT

OF THE

### Commonwealth of Massachusetts,

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNES-  
DAY, THE THIRTIETH DAY OF MAY, ANNO DOMINI, ONE  
THOUSAND EIGHT HUNDRED AND TEN.



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BOSTON :  
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1810.



# CIVIL LIST

OF THE  
COMMONWEALTH OF MASSACHUSETTS,  
For the political year 1810-11.

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                   Walter Stebbins,  
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*Uxbridge*, Benjamin Adams,  
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*Shrewsbury*, Vashni Hemmen-  
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*Southborough*, John Johnson,  
*Northborough*, James Keyes,  
*Boylston*, James Longley,  
*West Boylston*, Ezra Beaman,  
*Lancaster*, Eli Stearns,  
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 Jonathan Bryd,  
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Joseph Titcomb,

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William Jenks,  
Isaac Adams,

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James Cowen,  
Nathaniel Hatch,

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Asa Chace,  
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*Boothbay*,  
*Bristol*, William M'Clintock,  
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*Waldoborough*, Jacob Ludwig,  
           Joshua Head,  
*Friendship*,  
*Cushing*,  
*St. George*, Hezekiah Prince,  
*Thomaston*, Isaac Bernard,  
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*Bowdoin*, Moses Dennett,  
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*Lewistown*,  
*Litchfield*, John Neal,  
           Jabez Robinson.

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*Vienna*,  
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*Chesterville*,  
*Farmington*, Nathan Cutler,  
           Joseph Norton,  
*Temple*,  
*Wilton*,  
*Pittston*, David Young,  
*Vassalborough*, Abiel Getchell,  
           Samuel Redington,  
*Winslow*, Lemuel Paine,  
*Harlem*,  
*Malta*,  
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*Clinton*, Matthias Weeks,  
*Unity*, Lemuel Bartlett.

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*Buckfield*, Enoch Hall,  
*Turner*, George French,  
*Livermore*, Simeon Waters,  
*Hartford*, David Warren,  
*Sumner*,  
*Norway*,  
*Fryeburgh*, John M'Millan,  
*Brownfield* } Joseph Howard,  
*& Hiram*, }  
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*Porter*,  
*Lovell*,  
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*Rumford*,  
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*Avon*,  
*Embden*,  
*Freeman*,  
*New Portland*.  
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*Cornville*,  
*Solon*,  
*Athens*,  
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*Orland*,  
*Buckstown*, Joseph Lee,

*Orrington*, Joshua Chamberlain,  
*Ellsworth*, John Peters,  
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*Blue Hill*, Reuben Dodge,  
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*Trenton*,  
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*Eden*, Cornelius Thompson,  
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*Machias*, Ebenezer Inglee,  
 Abraham Butterfield,  
*East Port*, Oliver Shead,  
*Calais*,  
*Jonesborough*, Ephraim Whitney,  
*Addison*,  
*Columbia*,  
*Harrington*,  
*Steuben*.

---

Charles P. Sumner, *Clerk*.  
 Rev. Dr. Thomas Baldwin, *Chaplain*.



# RESOLVES

OF THE

## General Court of Massachusetts,

PASSED AT THE SESSION BEGUN AND HOLDEN AT BOSTON, ON THE  
THIRTIETH DAY OF MAY, IN THE YEAR OF OUR LORD,  
ONE THOUSAND EIGHT HUNDRED AND TEN.

.....

### GOVERNOR'S SPEECH.

.....

REPRESENTATIVES' CHAMBER, JUNE 7.

*At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor came in, accompanied by his Council, the Secretary of the Commonwealth, and other officers of government, and delivered the following*

### SPEECH :

GENTLEMEN OF THE SENATE, AND  
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THE independent and respectable electors of this Commonwealth, by a majority of their suffrages, having honoured me with the office of their supreme executive magistrate, an honour at this period increased by the existing state of our publick affairs, I have accepted the important trust with that gratitude, which is due to such distinguished confidence ; with that diffidence, which is fearful to do wrong ; and with that solicitude, which is inseparable from a sincere desire to do right.

In this enlightened age of the world, the criteria for judging of rulers, are their measures, not their professions: those only then, whose conduct is candid, upright, and honourable, can enjoy either the happiness of conscious rectitude, or the pleasing expectation, of the approbation, esteem, and support of their fellow-citizens. And should their rule be meritorious, how often do circumstances of a publick nature occur, which leave to government a choice only of evils; deeply affecting the feelings and interests of the people, and producing jealousies, discontents, and opposition?

Such of late has been the state of our national concerns, and the consequent divisions have exhibited prospects of serious alarm—is it not the duty of the Trustees and Guardians of the inestimable rights and liberties of the people, to destroy if possible this germ of political confusion, and at the shrine of publick safety, honour, and welfare, to sacrifice all private and local views, prejudices, and discordant passions?

If I have formed a just estimate of the characters whom I address, there cannot exist a solitary doubt, that in a pursuit so deeply interesting to the public, regardless of political distinctions, they will co-operate with me, in attaining these important objects: and to secure success, let the mantle of friendship be drawn over past obnoxious measures, and our exertions be directed to prevent their repetition.

Whatever may be the points of difference between parties, in this they will undoubtedly agree, *that union is the vital principle of liberty*: for as well may the physical body have a being without air, as the body-politick of our republick, without that principle.

From time immemorial, the successful maxim of ambition has been “to divide and conquer:” and even free governments have so far sanctioned it, for preventing the union, and preserving the subordination of their colonies, as to disseminate jealousies amongst them.

Such was the policy of Great Britain for retaining the colonies which first formed the United States; a policy which in the early period of their separation from her, exposed them to imminent danger, and was their most formidable foe.

But the good sense of the colonists prevailed; and with a population not exceeding two millions of inhabitants; with executives and judiciaries, almost wholly opposed to them; with regal troops, in their fortresses, cities, and principal towns, to awe and control them; with few arms, and military



stores ; and without publick funds, or an organized government to conduct their operations ; they adopted this motto, "United we stand, divided we fall ;" and their union, successfully commenced, and triumphantly terminated the revolutionary war.—Had a party spirit then prevailed, it would have been fatal ; it would have plunged the patriots into the abyss of irretrievable servitude ; it would have exchanged their exalted station of *man*, for that of senseless Automata—and even cemented as the United States now are, by excellent federal and state constitutions, if the invisible hand of foreign influence, or if deep-rooted domestick prejudices and animosities should obtain the ascendancy, they will too late discover, *that the loss of union is the loss of liberty* : for however remote we are from foreign nations, or lulled by prospects of their friendship, should our union be destroyed, intestine wars must ensue, and soon convert this beautiful, populous, and cultivated country, into a barren, depopulated waste.

But will not foreign powers, viewing as they do, these flourishing commercial states with the invidious eye of competitors, seize the first favourable opportunity, for destroying their competition ? And with what ease will they effect it, should one seceding section of the confederacy, requiring an equal number to oppose it, leave but a remnant of the nation to resist foreign invasion ?

If we take a view of the two gigantick combatants of Europe, France and Great-Britain ; nations to whom all others are most indebted for their progress in arts and sciences, and for those useful discoveries and improvements which adorn society and promote human happiness ; nations unrivalled by land and by sea ; who in their conflicts have nearly destroyed the independence of continental Europe, and threaten that of the other quarters of the globe ; if we reflect on the measures of their mighty governments, we cannot too deeply regret that they have lost sight of their own dignity and honour ; Or why do they not apply the powers entrusted them by Divine Providence, to complete, not the misery, but the happiness of man ?—Why do they not immortalize their fame by recording it, not on the sorrowful tombs of slaughtered millions, not on the desolate ruins of mournful principalities, kingdoms, and empires—but on the brilliant pages of illustrious philanthropists—on the durable annals of the great, the good, the God-like benefactors of man ? To the civilized world, the answer is a subject of the deepest

regret and grief. Inordinate ambition and power, allies on the land, allies on the ocean, are as insatiable and unmerciful as the relentless grave. Unparalleled wealth, agriculture, manufactures, and commerce, but furnish endless magazines of fuel to feed the unquenchable flame of ambition: and power, lawless and boundless power, is on both sides implicitly obedient to her sovereign will. Obligations of every kind, political, moral, and religious, arising from the rights of neutrals, from the most solemn treaties, from public law in general, and from humanity itself, are neglected, cancelled, and treated with ineffable contempt; every beam of hope that national justice would resume her elevated station, has been ephemeral—glittering in the morn, it has been dim at noon, and extinct in the eve.

France has charged Great Britain with the establishment of a despotick commercial monopoly; and has viewed her own conduct, as the meritorious effort of a magnanimous volunteer, in a common cause to defeat the measure. The King of Great Britain in return has charged France with the fabrication of this as a pretext to cover her deep designs of universal domination. Neighbouring nations, by their vibrating conduct towards these mighty belligerents, have declared that both are in the right, and both in the wrong—and the United States, ever careful to offend neither, have, with uniform solicitude, cultivated the friendship of each. May their laudable endeavours be crowned with merited success!

France, previously to her revolutionary war, for a series of years, trembled at the rod of mighty Britain. That unparalleled event has reversed the scene, and France threatens the overthrow of her great enemy. The Emperor Napoleon has in substance, if not in form, declared it. Napoleon, that great arbiter of the East, is a most formidable foe: His equal is not to be found in the annals of man. Other monarchs have been styled great; but as a statesman and warrior, he is super-eminent. He is a prodigy of human nature. He is viewed by his enemies as a comet of the first magnitude; at a distance they admire the awful grandeur of both, but the approach of either they dread, as the precursor of certain destruction.

Thus unhappily circumstanced is Great Britain, and she views her safety in war. She conceives that by a peace her great and only national safeguard, her Navy, must be dismantled; that her numerous foreign seamen will return with joy

to their native shores ; that her national seamen, in part, will be compelled to seek employment abroad ; and that, when imperious necessity shall again require her navy, in its present vigorous state, an event which would rapidly follow, *the measure would be impracticable, and the result her conquest.* Her eagle-eyed statesmen act on this principle, and have declared it.—They have even declared that a peace must establish their national safety ; and this they view as a political impossibility.

On the part, then, of the United States, will not good policy look forward to the continuance of a war, in the participation of which they have been, and will continue to be in danger.

Each of these tremendous powers, presents itself at different times to United America, with the affected attachment of a disinterested admirer. But are they not disingenuous and inexorable competitors ? And however impartially she may conduct towards them, when either merely suspects that she favours the other is not a jealous phrenzy thereby excited, urging the decree of American destruction ? in such imminent danger, is there not an indispensable necessity of union ?

Shall we not then cordially invite the other great department of our government, the judiciary, containing our luminaries of law, the able and learned counsellors and practitioners at the bar—our respectable and pious instructors, the clergy, whose love of country and promotion of union during the revolution, is a pledge of their support—the citizens of the other learned profession, who, at that eventful period, in patriotism and prowess were inferior to none—our respectable and wealthy farmers, merchants, manufacturers, and mechanics, whose ruin would be completed by intestine commotions, shall we not invite them all to aid in the preservation of our union ?

Will not this desirable measure, if commenced by government, be supported by the constitutional sovereigns of the land, the people ? Will not every friend to his country recollect the sacred truth, “that an house divided against itself cannot stand ?” Will he not determine for himself to relinquish a party system, and the practice of misrepresenting, and unjustly reprobating, his political opponents ? Will he not magnanimously impute to his fellow citizens in opposition, a mistaken zeal and patriotism, and cordially embrace them ? Will he not discountenance every attempt to wound the

dignity of the press, that great palladium of liberty, when urged to prostitution and abuse? And will not internal peace and happiness, will not order at home and respectability abroad, be thus again restored to this great and respectable State?

Washington, the immortal Washington, by his farewell address on the subject, an address, worthy of record on a tablet of adamant, calls on you in strains of irresistible eloquence to preserve your National Union.

The great and good Adams, with his capacious mind and extensive influence, follows the bright example of the father and friend of his country to preserve that inestimable blessing. And may we not hope that Divine Providence, so often our Almighty friend in distress, will afford us aid and support, and grant an happy issue?

The next object of importance, to which, gentlemen, permit me to call your attention, is the militia. Unprepared to enter into details, my observations must be general. The militia is the great depository of our Liberty and Independence—it is the first, and last hope of our country. Let the militia be inefficient, and sudden will be our transition to slavery.

Previously to the revolution, the greatest care was taken to keep the militia in an unorganized and torpid state. Indeed, in this and other provinces, patriotick exertions were made with little effect to counteract this slavish policy. But the provincial executive always opposed to the interest of the people, appointed militia officers, subservient to regal purposes: and when war with the mother country was inevitable, one of the first important measures adopted, was the reorganization of the whole militia. Since that period, this state by its own authority, and afterwards in subordination to the Federal Government, have paid a marked attention to the subject. The result has done honour to both governments; their measures have excited that martial spirit, which merits every attention and encouragement.

The materials composing the militia, are independent aspiring citizens; whose ambitious minds never were, and with the utmost confidence it is hoped never will be subdued by foreign domination. Infinitely will they prefer to finish their existence with immortal honour in the field, to a surrender of their beloved country to haughty and tyrannical invaders—A country, the birthright of themselves and of those most dear to them.

Such materials for officers and privates, are not exceeded, if equalled, on the globe. Organized, armed, accoutred, and clad, they are in this state as well disciplined as the nature of the case at present will admit. But is it not possible to complete their discipline? And is it not an object worthy of every attention, and requisite expense?

The revolutionary army, for several years after it was formed, was but an established militia; and yet never was an army composed of more meritorious officers and privates. It is deeply to be regretted, that their services were not better rewarded. Their exertions to attain discipline did them great honour; but until the arrival of a disciplinarian from the family of Frederick the great, the measure was impracticable. By his skill, military order sprang out of confusion. American corps were soon equal, if not superior to veteran enemies, and these were convinced that our federal grounds, were too sacred to be trodden by foreign invaders.

Should measures be pursued with success in all the States to attain this very important object, and our Union, unimpaired and confirmed, be supported by a completely disciplined militia, then may the United States, in their defence, bid defiance to the world, and rest in safety.

I feel, gentlemen, the obligation of duty, to turn your attention, for a moment, to the Federal Government.

Previously to the revolution, when clouds collected and portended a political tempest, it was predicted by ministerial adversaries, that our federal league "would be a rope of sand." This, in a great degree was verified by the form of the confederation. The change from that to the Federal Constitution, applied powerfully to the feelings and interests of the community at large, and produced the necessity of an accommodation. This, having been wisely adopted, and the requisite amendments having been sanctioned, a system of Federal Government exists, which embraces the general, and nearly the universal approbation of the people.

The first candidate for President, united the publick suffrages; but in regard to his successors, divisions ensued, being the result of the different, territorial, commercial, and political views and interests of the states: which in the beginning had little or no activity. The peace, order, and dignity which, nevertheless prevailed in the federal elections, are the highest panegyrics on the people, and on the form of their government.

We have in the federal chair a President, whose enlightened mind, and whose moral, social, and political virtues qualify him in a super-eminent degree, for that important station. If any nation can boast of a chief magistrate with superiour qualitics for promoting publick happiness, it is not within the recollection or knowledge of the person addressing you. Of what consequence is it, whether a President was born on this, or on that side of Potomac? Are not the United States one great political family; exquisitely alive to the least common injury, and to the conduct of government for removing it?

When we consider also the respectable characters which fill the other great executive offices, and those of the legislative and judicial departments, are they not, so far as character has a claim, justly entitled to our highest respect, confidence, and support? From men let us turn our attention to measures; let us view the conduct of the Federal Government, from the first burst of the Gallick Volcano, to this day; let us look at them on the honourable ground of neutrality, charged, in turn, by each belligerent, with mean degrading partiality, and repelling with dignity, the unprovoked attack. See our federal rulers, robed in justice and honor, whilst *Europe*, convulsed to the centre, has been in one great blaze of war, preserving for a series of years, their unoffending States in peace! Behold them, in the choice of unavoidable evils, struggling with the impatience and afflictions of the people, under the painful, but indispensable operation, for preserving the vital fluid of the nation, their active property! And then let us declare the correct judgment of candour and truth on the conduct of our government.

Whilst we admit, that there is no perfection in human nature, and that the greatest men do often err; let us not construe the errors of honest functionaries into crimes; let us place in the opposite scale, their meritorious acts, and at least give them full credit for the balance. When this is done, may we not with truth declare, that the Federal Government have done well, and are good and faithful servants of the publick?

The provisions, made by the constitution and laws of this Commonwealth for the establishment and promotion of literature, religion, morality, and the social virtues, supported as they have been, and assuredly will be by government, cannot fail to attain their desirable objects. They are the true and only sources of present and future happiness. Without these

qualities, what is man? A living sepulchre, with a fair and deceitful exterior, and an impure and polluted mind;—and possessed of them, is he not “the noblest work of God?” How important then to society, is the patronage of government for the institution and support of schools, academies, and colleges? These are the inexhaustible fountains of true piety, morality, and literature; and the solid foundation of liberty, national honour, and publick happiness.

In the channels of husbandry and commerce, flow in a great measure, the active property of this State. These are natural allies, the aid of one, is indispensable to the other, and it is fortunate for both, that there is a coincidence of friendship and interest between them. They are the great pillars of this Commonwealth, and not a right of either ought to be invaded, or impaired, whilst she, in subordination to the general government, has an arm to protect them.

Industry and economy, those great sources of wealth, cannot be too much encouraged and supported. Happily for this country, they in numerous instances, are enlisted in the service of manufacturers and mechanicks. These valuable and important classes of our fellow citizens, have a just demand on government, for every reasonable encouragement and support. *Their* pursuits are practicable patriotism, and whilst our national and state parchments, establish our independence *of right*, their measures, more solid, are establishing for us, an independence *in deed*.

When we reflect that the United States are in possession of numerous blessings, political, civil, and religious, many of which are not enjoyed by any other nation; *that* we are remote from those scenes of war and carnage, by which Europe is vested in sable; *that* we enjoy the uncontrolled right, on principles of true liberty, to form, alter, and carry into effect our federal and state constitutions; *that* founded on them and on law, there exists a spirit of toleration, securing to every one, the undisturbed rights of conscience, and the free exercise of religion; *that* the people, at fixed periods, have the choice of their rulers, and can remove those who do wrong; *that* the means of education in all its branches, are liberal, general, and successful; *that* their national strength, resources, and powers, by proper arrangements, may render these states invincible; *that* by our husbandry, commerce, manufactures, and mechanical arts, the wealth of this country almost surpasses credibility; let us not be prompted by imprudent zealots of any description, to hazard the irretrievable loss of

all, or of any of these inestimable blessings ; but let us secure them forever, with the aid of divine Providence, by rallying around the standard of our national government, and by encouraging and establishing a martial spirit, on the solid foundation of internal peace, order, and concord.

Accept, Gentlemen, I pray you, my unfeigned thanks, for your patience on this occasion ; which I consider as a pledge of your future liberality towards me, unnecessary, as my observations may be, in regard to information to yourselves, they have afforded me an opportunity of discharging my obligations to the publick, by unfolding matters which may have impressed your minds with much, if not with equal importance. As the season requires, that for the benefit of the country, your session should be short, nothing shall be wanting on my part to promote your objects. However interesting to the publick your measures may be, they will not exceed my anticipations ; and be always assured, that consistently with obligations of an official nature, they will ever receive my cordial co-operation and support.

Any other communications, gentlemen, which may be requisite, shall be submitted to your consideration by message.

ELBRIDGE GERRY.



## ANSWER OF THE SENATE.



*MAY IT PLEASE YOUR EXCELLENCY.*

ON the first meeting of the several branches of the government, the Senate respectfully recognize, in the person of the chief magistrate of *Massachusetts*, the man who so eminently contributed by his revolutionary services, to establish the independence, and secure the peace and prosperity of our country. The zeal and fidelity with which these services were rendered, afford to us a pledge, that in discharging the duties of the high and honourable trust, committed to you by the suffrages of a majority of the people, your Excellency will be uninfluenced by the sinister suggestions of party spirit, but will be guided by a sincere and single regard to the great interests of the whole Commonwealth.

This confidence is strengthened by the reflection that during the conflict which for many years has agitated almost every portion of our community, your Excellency has been aloof from the scene of contention, and, we trust, therefore, has advanced to the chair of government, unbiassed by those passions and prejudices, which are in some degree common to all who have been actively engaged in the warfare of political opinion.

Experience, in every age and country, has too fatally evinced the truth of the position, that the measures and not the professions of rulers, furnish the standard, by which to determine their claim to the gratitude of the people. While, therefore, the Senate, proffer to your Excellency a liberal degree of confidence, and receive, with unfeigned pleasure, your assurances of impartiality in the administration of our publick affairs, they look forward with still greater pleasure, to the period when a strict and undeviating adherence to these professions, shall have insured to you the richest reward of an

“upright and honourable” mind, “the happiness of conscious rectitude,” and the universal “approbation and esteem” of your fellow citizens.

In the measures pursued by your immediate predecessor, we have witnessed a scrupulous regard to the principles avowed at the commencement of his administration; and in this respect, we confidently hope your Excellency will not be surpassed by any who have gone before you in the executive department.

With the most sincere and perfect cordiality, we reciprocate your Excellency’s expressions of solicitude for the preservation of that spirit of union, which is “the vital principle of liberty;” and which is as essential to the security of our political institutions, as is the power of attraction to the harmony of the planetary system.—An indissoluble union among the States, who are parties to the great national compact, we consider as not less indispensable to our peace and prosperity, than an union of sentiment and action among the people, to the defence of the liberties secured to them by their constitution. The man who shall insidiously plot a subversion of this compact, or shall secretly infuse into the publick mind a spirit of discord and disunion, whatever may be his pretensions of patriotism, is attempting to demolish the fabrick of our publick prosperity, and merits the detestation and abhorrence of his country.

However alarming may have been the indications of irreconcilable divisions among the people of the United States, yet we are not without hope, that the nearer approach of impending danger would find them united, with a single heart, to repel every foreign encroachment on their liberty and independence. However portentous may have been the progress of this disorder, our reliance upon the intelligence and patriotism of our fellow citizens affords to us a rational belief that it is not incurable, and that a course of wise and salutary measures may yet place us beyond the reach of danger.

In contributing to this most desirable object, we trust we shall see your Excellency magnanimously “disregarding all political distinctions,” and by calling to your aid in the administration of the government, wherever they may be found, talents, integrity, and fidelity to the constitution, thus uniting all, who are worthy to be united, in the great work of political reformation.

At a crisis not less alarming than the present, when emissaries from abroad were secretly impelling us to take a part in their contentions, when infringements of our neutral rights were not less frequent nor outrageous than at the present moment, the administration of Washington preserved our neutrality and rescued us from the vortex which threatened to overwhelm our national independence. While, therefore, his precepts and his example are continued to us for our future guidance and direction, our safety can only be endangered by the perverseness of our rulers, or the blind and senseless infatuation of the people. His name is written as the rainbow in the cloud, to remind us that the troubled waters have subsided at his command, and as a token, that an imitation of his virtues, and a reverence for his example, will, at all times, bound the fury of the surrounding tempest, and assuage the billows of internal faction.

But if “domestick prejudices and animosities” are fostered by the “invisible hand of foreign influence;” if our national dignity shall be forgotten, in a “deep-rooted” jealousy of one nation, or an excessive partiality for another: if we are dazzled by the splendid achievements of the *proud oppressors of nations*, and lose sight of that boundless and inordinate ambition, which is their most powerful, if not their only motive of action; if we are regardless of their unparalleled aggressions, and indifferent to the atrocities by which their objects are promoted—by such a course we shall become auxiliary to their schemes of usurped dominion, and eventually contribute to the subjugation and slavery of our own country. Shall we not, then, be prompted by the principles of self-preservation, to watch the motions, that we may shun the influence of those over-grown powers, who, forgetful of their true “dignity and honour,” have “immortalized their fame not by recording it on the brilliant pages of illustrious philanthropists, not on the durable annals of the great, the good, the God-like benefactors of man—but on the sorrowful tombs of slaughtered millions—on the desolate ruins of mournful principalities, kingdoms, and empires!”

We accord with your Excellency in the opinion, that the present condition of Europe, indicates an indefinite continuance of a war, which has become necessary to the existence of one of the belligerents, and, probably, to the future safety of the whole civilized world.

During this unexpected struggle, it is the first duty of the government to preserve an honest and impartial neutrality, so far as it can be maintained, without hazarding our national safety and independence. But as past events afford us too much reason to apprehend that such a position cannot be long supported against the unceasing efforts of the combatants, to force us into a participation of their dangers and distresses, we most cordially unite with your Excellency in the opinion, that sound policy and even ordinary discretion, demand of our government vigorous and active preparations for a state of open hostilities with one of the belligerent powers—such a course is the more obviously necessary, inasmuch, as we have been admonished by most afflictive experience, that, in this conflict of extermination, even peace is but a state of warfare in disguise; and that the rights of neutrality, (occasionally violated by both the contending parties;) are, at length avowedly subjected to the arbitrary will of a government, which acknowledges no other rule of action, than that every nation shall be subservient to the conquest of its enemies, and the unlimited extension of its power.

We most cheerfully concur in the sentiment of your Excellency, that “husbandry and commerce” are the two great pillars of the Commonwealth, “and that not a right of either ought to be invaded, or impaired, whilst she, in subordination to the General Government, has an arm to protect them.” The distresses we have endured from the suspension of the *one*, and the consequent depression of the *other*, admonish us, that, as we cannot long exist without the “aid” of these “natural allies,” even war, with all its calamities, is to be preferred to a permanent abandonment of either.

The embarrassments which have resulted from the unprotected state of our commerce, during the present war in Europe, and which, at different periods, have driven us to the very verge of open hostilities with both the belligerents, cannot, we believe, have left a “solitary doubt,” in the mind of any sincere and intelligent friend of his country, that a system of maritime defence will be our only efficient security against the future insults and aggressions of contending nations.

The Senate are deeply impressed with the importance of rendering every possible facility to the promotion of military discipline. Our pacifick policy having provided no other system of national defence, the existing state of things, imperiously demands of us, at the present moment, more than

ordinary attention to the organization, equipment, and discipline of the militia, and your Excellency may rest assured of our zealous co-operation in any practicable measures which may be suggested for that purpose.

The alacrity with which the Legislature of Massachusetts have, at all times contributed to the advancement of "religion, literature, morality, and the social virtues," will, we trust, be deemed a sufficient pledge, to your Excellency, that during the present year, the Senate will not be unmindful of these primary duties, and that their attention will be unremittingly directed to these most important and essential interests of the Commonwealth.

As our collective and individual happiness rests, almost exclusively on the support of religious and literary institutions, the Senate will be prompted, at all times, by a sense of personal as well as official duty, to regard them as the objects of their first and most solemn consideration.

So far as "industry and economy," applied to the extension of useful manufactures, require the stimulus of Legislative patronage, we shall, at all times, be ready to concur, with the other branches of the government, in appropriate measures for their encouragement and reward.

Every enterprize which may tend to diminish our dependence upon foreign nations, is a laudable effort of patriotism, and in the present condition of the world has a peculiar claim to the fostering aid of that government, which regards the independence of the people, as the last boon they will be willing to surrender.

The Senate duly appreciate "the numerous blessings, political, civil, and religious," which, amid so many perils and disasters, have been yet continued to us by a kind and indulgent Providence. In a firm, but humble reliance on the future protection of Heaven, they beg leave to repeat their assurances, of a cordial support in every exertion to advance the best interests of their constituents, and to offer their fervent prayers, that your Excellency's administration may conduce to your individual honour and happiness, and to the dignity, order, and tranquillity of the Commonwealth.

# ANSWER

## OF THE

### HOUSE OF REPRESENTATIVES.



*MAY IT PLEASE YOUR EXCELLENCY.*

THE House of Representatives receive with peculiar gratification your Excellency's communication to the two branches of the Legislature. We view in it, principles congenial with the nature of our free institutions ; and which, if properly appreciated, cannot fail to promote the great interests of the State.

We are sensible, that the "*measures*" of our rulers, are "*the best criteria*" by which to estimate their conduct. For it is from them, that those results are to be obtained, which conduce either to the happiness or misery of man. But still, we conceive that there are other circumstances, which may inspire a generous and becoming confidence. Long experience in the publick affairs ; assiduous attention to the general welfare ; a life devoted to offices of active patriotism ; and a practical knowledge extending to the various objects of political economy ; are considerations, which, in some degree, will anticipate the publick confidence, even before the course of administration is developed by its measures.

This Commonwealth forms an important member of the national confederacy. Her population and resources ; her wealth and enterprize ; already entitle her to an elevated station in the great political family. To assign her a rank which shall comport with these advantages ; and to impart to her an influence commensurate with her real character ; ought to be an important object with her citizens, and the first duty of her government.

For the attainment of these ends it is necessary to cultivate a spirit of harmony with the general government, and to cher-

ish the most friendly relations with our sister States. In subjects of national concern, and within the scope of the federal constitution, it is no less our duty than our interest, to accommodate our will to the general sentiment of the Union. But above all it is of the utmost importance to banish forever from our councils; and if possible from the minds of our citizens, those distracting and illiberal prejudices, which affect to divide the nation into particular sections; which attempt to disseminate the belief of an opposition of policy and interests in different portions of our country; and mislead the publick mind with ideas of a Northern or Southern, a Massachusetts or Virginia domination.

On such a course of conduct, both on the part of the government and people, depends, under God, the safety of this rising republic. For we cordially agree with your Excellency, that "*union is the vital principle of liberty.*" Without a reasonable confidence in our national rulers, and a proper respect for the other members of the body politick, our situation would be replete with evils. Internal disquiet would form the best apology, and afford the highest encouragement to foreign oppression. Dissension and discord would agitate the publick mind. All those harmonies which endear the social state, would be destroyed by feverish irritation. Disaffected individuals, whose object always is to rise to power in the whirlwind of political convulsions, would foment the state of publick commotion, till at length, amid the dangers of intestine war, and foreign domination, this assylum of man, this abode of freedom, would be plunged in irretrievable ruin. Her fame and her glory subverted; her dearest interests betrayed; in an hour of afflicting calamity, the sun of her prosperity would forever set amid clouds and tempests.

Under a solemn sense of these considerations, and looking forward to happier prospects, we can assure your Excellency that the House of Representatives are disposed to draw "the mantle of friendship" over any "past obnoxious measures," which may have attended the progress of legislation, in this Commonwealth. Or if they should be remembered, it will be not for the purpose of wantonly wounding the feelings of their supporters, but as beacons, to point out to the future politician, the rocks on which were almost wrecked, the union and happiness, the prosperity and harmony of the whole American family.

In adverting with your Excellency to the convulsed state of Europe, the mind involuntarily shudders at the afflicting spectacle. A war exterminating in its nature, extends its ravages, and what will be its final catastrophe is known only to that Being "who maketh darkness his pavillion." In the wide range of its desolation, inauspicious events have resulted to the best interests of this country. England and France without any pretext for complaint in relation to our conduct, on the professed principle of annoying each other, have wantonly introduced a system equally repugnant to the usages of nations, the immunities of neutrals, and the dictates of justice. In both nations we perceive the same spirit, modified to purposes which will comport with the actual situation of each. England, on the one hand, in the insatiable spirit of commercial monopoly, has interfered with some of the most beneficial branches of our commerce; in order to afford her own a more unlimited expansion. On the other, the ruler of France, with an ambition as inordinate, as his mind is vigorous and capacious; in his favourite scheme of bearing upon the commerce of England, has violated the sanctity of neutral rights, and the obligations of positive compact. The one with the mastery of the ocean, and the other with the dominion of the continent, have waged war upon our dearest interests; and produced incalculable private distress, and publick embarrassment. For either of them there is no apology; no excuse, which in the moment of returning reason and candour, justice would not blush to own. Instead of being benefactors to mankind; instead of promoting the prosperity of nations, and extending the circle of human happiness, the destructive consequences of their conduct, are felt in every quarter of the globe. This House ardently desires, that this state of things may be changed. And although expectation is almost destroyed; yet we cannot forbear to hope, that these nations will return to a sense of justice and of duty, that they will give to this country a free enjoyment of those blessings which are her right, and of which in a moment of lawless oppression she has been unjustly deprived. In any event we feel confident, that under the auspices of those whom the people have selected as the depositories of their power, cemented by union and harmony, and with the benignant interposition of that Providence who has heretofore been "the stability of our times; and the strength of our salvation;" the destinies of this republick will rise



superior to existing difficulties and be more firmly fixed in the affections of our citizens and the respect of mankind.

We consider with your Excellency, the militia "as the great depository of our liberty and independence," and as such it will always receive our deliberate attention. In this happy country, where the *sovereignty* resides in the people, who so worthy to defend it as its legitimate proprietors? who feel so ardently its sacred trust; or would endure greater privations to preserve it unimpaired? our militia system is interwoven with our social institutions; and the protection of the one, is indispensably requisite for the preservation of the other. At all times to give to it force and efficacy, to adopt those improvements which have rendered modern warfare so formidable; to fortify and establish it in the publick sentiment; and to impart to it every aid which the constitution permits, are duties which in co-operation with the other branches of the government we trust will be faithfully performed.

We sincerely concur in sentiment, with your Excellency in relation to the Federal Government. We have been favoured with a succession of wise and upright rulers; whose best vindication is to be found, in the increasing veneration of their countrymen.—The present national chief magistrate possesses those rare talents and comprehensive views which assimilate his policy to that of his predecessor. Under his guardianship we feel a lively confidence that the prosperity of the nation will progress with unabated vigour; that our union will be strengthened by his care; and that the resources of private enterprise, developed and directed by publick arrangement, will foster every institution which gives dignity to man; and adopt every improvement that extends the circle of our happiness.

The interests of religion, morality and literature, are of peculiar concern. On them depend the maintenance of our free constitutions, and those habits and sympathies which will preserve them unpolled. It is a truth incontestable that virtue and knowledge are the main pillars in the temple of freedom. Those who oppose our forms of government, and cavil at their principles, affect to do it on the ground, "*that the people are their own worst enemies;*" without the knowledge to discern their rights; and without the virtue to pursue them; in opposition to the allurements of interest, and the dictates of passion. Of how much importance then is it, that a dissemination of correct knowledge and a religion, "pure and unde-

filed," should engage the attention of Republican legislators. That the light of the one and the benevolent purposes of the other may be extended, and that their streams may flow as free as their fountains are unpolluted, are objects of transcendent importance.

The protection of commerce and the application of our resources to a pursuit of such vital consequence to the State, are by the federal constitution exclusively confined to the general government. We feel the greatest assurance that *with them* they will receive all the encouragement of which they are susceptible. The national administration, relying entirely on commerce for support, will continue as they have done, to protect its rights, from the insolent assumptions of a belligerent world.

The interests of agriculture and domestick manufactures fall peculiarly within the department of state legislation. We consider them as inseparable from our existence; and as the basis on which is elevated every social relation. To facilitate agriculture by every species of improvement; by opening roads, extending settlements, and applying legislative aid to its encouragement, cannot fail to engage our anxious solicitude.

The introduction and improvement of domestick manufactures, we conceive also to be the introduction and improvement of the domestick virtues. For while they render us, in some degree, independent of other nations, they make us more immediately dependent on our internal resources, and upon our own habits of industry and economy. By supplying us with the necessaries and conveniences of life, they enlarge the circle of internal commerce; and by contributing to the wants of different sections of our common country, they invigorate an affection, which is the strongest bond of our union. And on this occasion we cannot refrain from congratulation, on the extensive introduction of domestick improvements. The unjust conduct of foreign nations has compelled us to resort, in some degree, to those resources, which divine Providence has so bountifully allotted to this favoured country. And we consider it the sacred duty of this House, in co-operation with the other branches of government, to direct the publick impulse in such a manner, as to secure to us every advantage which the domestick arts can afford.

We trust with your Excellency, that when "we reflect on the numerous blessings, political, civil, and religious," which these United States enjoy, it will inspire us with the strongest

attachment to our beloved country. Removed from the vortex of European politicks, we are rapidly progressing in every species of improvement. Industry and enterprize mark the character of our citizens ; and are ever certain of reaping their rich rewards. Forming an asylum from the convulsions of the old world, our population is augmenting by continual emigrations. Under these circumstances we are compelled, by every honourable motive, to resist the attempts of imprudent zealots," who would put in jeopardy our dearest interests.

To the course of your Excellency's administration, we look with pleasing anticipation. We consider the past conduct of publick characters, as the safest pledge of their future course. And with impressions of this nature we feel assured that under your guidance a spirit of harmony will pervade our councils ; that the national government and sister states, will receive the respect which is their due ; and that the great interests of the Commonwealth, under the fostering care of the government, will receive every assistance they may need ; and every encouragement in our power to bestow.

Any other communications from your Excellency shall receive that respectful attention to which they will be justly entitled.



# RESOLVES.

June 6, 1810.

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## I.

*Resolve for an additional Notary Publick in the county of York. June 6, 1810.*

*Resolved, That there be one additional Notary Publick in the county of York, to reside at Arundell.*

## II.

*Resolve for an additional Notary Publick in the county of York. June 6, 1810.*

*Resolved, That there be an additional Notary Publick appointed for the county of York, to reside at Saco.*

## III.

*Resolve for an additional Notary Publick in the county of Berkshire. June 6, 1810.*

*Resolved, That there be an additional Notary Publick appointed in the county of Berkshire, to reside in Adams.*

## IV.

*Resolve for two Notaries Publick in the county of Somerset. June 6, 1810.*

*Resolved, That there be two Notaries Publick for the county of Somerset, one to reside at Norridgwock, and one at Fairfield.*

## V.

*Resolve establishing the pay of the Council and Legislature.*  
June 8, 1810.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to each member of the Council, Senate, and House of Representatives, two dollars, per day, for each day's attendance the present session, and a like sum for every ten miles travel from their respective places of abode to the place of the sitting of the General Court, and that there be paid to the President of the Senate, and Speaker of the House of Representatives, two dollars per day for each and every day's attendance, over and above their pay as members.

## VI.

*Resolve for staying execution against Joseph Stone.* June 9,  
1810.

On the petition of Joseph Stone of Harvard in the county of Worcester, praying that an execution against him in favour of the Commonwealth, which issued upon his recognizance as surety for one Peter Perham may be stayed to enable him to raise the money for the discharge thereof.

*Resolved*, That the said execution be stayed for the term of one year: *Provided*, that such security be given by said Joseph Stone, to the Sheriff of the county of Worcester, as he shall deem sufficient to ensure the payment of the amount of said execution with the interest thereon, at the expiration of said term of one year.

## VII.

*Resolve on the petition of Lemuel Capen, granting him thirty dollars, in compensation for expenses mentioned.* June 11,  
1810.

On the petition of Lemuel Capen, praying for compensation for his son Uriah Capen, a minor, in consideration of sickness occasioned by fatigue, and being obliged to sleep on the damp ground, when ordered out to guard the Commonwealth's gaol at Augusta in October last.

*Resolved*, That there be allowed and paid out of the publick Treasury, to Lemuel Capen, the sum of thirty dollars, in full compensation for expenses incurred, and loss of time by sickness, sustained by his son Uriah Capen, a minor, in consequence of being ordered out to guard the Commonwealth's goal in Augusta, in October last.

## VIII.

*Resolve on the petition of the Selectmen of Wareham. June 11, 1810.*

On the petition of the Selectmen of the town of Wareham in the county of Plymouth, praying that the Assessors of the town of Wareham may be empowered to commit a tax, made March 2, A. D. 1809, on the inhabitants of the Narrows School District, so called, in said town, to one of the Collectors of the said town of Wareham for the time being.

*Resolved*, For reasons set forth in said petition, that the assessors of the town of Wareham be, and hereby are empowered to commit said list of assessment, to one of the collectors of taxes for said town the present year, with a warrant in due form of law to enforce the collection of the same.

## IX.

*Resolve on the petition of Susanah Main, authorising the Treasurer to issue a new note to her, in lieu of one lost. June 11, 1810.*

On the petition of Susanah Main, praying for a new note in lieu of one lost.

*Resolved*, That the Treasuser of this Commonwealth be, and he is hereby directed to issue a new State note for twenty-six dollars and sixty-two cents, bearing the same number and date, at five per cent interest, and to endorse thereon such interest as has been paid on the note stated to be lost; the said Susanah Main first giving bonds to the satisfaction of the Treasurer and his successors in office, conditioned to save the Commonwealth harmless from all demands therefor, on account of the note said to be lost as aforesaid.

## X.

*Resolve on the petition of the Assessors of the town of Rochester. June 11, 1810.*

On the petition of the Assessors of the town of Rochester, for the year, eighteen hundred and seven, setting forth that the inhabitants of the North School district in said town, some time in the year eighteen hundred and seven, voted to raise on the polls and estates of said inhabitants the sum of four hundred and fourteen dollars, to pay for a School house which the said inhabitants had purchased, which sum was actually assessed on said inhabitants by the assessors of the said town for the year A. D. 1807, and the bills of assessment committed to a collector without having been signed but by one of the said assessors, which collector having collected a part of said sum, has no authority to enforce the collection of the residue, and praying that they the said assessors be authorized to complete the said assessments.

*Resolved*, For reasons set forth in said petition, the assessors of the town of Rochester, for the year eighteen hundred and seven, be and hereby are empowered to complete said assessment; and that their doings shall be as valid, as if they had been done at the time of making the assessment, and before the said bills had been committed to a collector for the purpose of collection.

## XI.

*Resolve granting \$159, 82, for the payment of certain persons for services in Augusta, in protecting the gaol. June 12, 1810.*

On the petition of sundry persons, setting forth that they were duly ordered out on duty to protect the Commonwealth's gaol in Augusta, in October and November last, but were not regularly made up in the pay rolls of the companies to which they respectively belonged.

*Resolved*, That there be allowed and paid out of the publick treasury to the persons named in the accompanying pay roll, (numbered sixteen,) the sum set against their several names, amounting in the whole to one hundred and fifty-nine dollars and eighty-two cents, in full for services rendered



while on duty in guarding the Commonwealth's gaol at Augusta.

*And be it further resolved*, That his Excellency the Governor, with advice and consent of the Council be, and he hereby is authorized and requested to draw his warrant on the Treasurer in favour of the agent or agents who were appointed at the last session of the General Court, to receive the money and pay off the troops employed in guarding said goal, for the sum of one hundred and fifty nine dollars and eighty-two cents, said agent or agents to be accountable for said sum, and render an account and settle the same with the Governor and Council as soon as may be.

(No. 16.)

Pay Roll of sundry persons detached, and ordered out on duty in October 1809, to guard the Commonwealth's goal in Augusta, whose names have been omitted to be made up in the pay rolls for compensating the troops detached as aforesaid in February 1810, as appears by certificates of officers of the detachment, and of the commanding officer of the same.

<i>NAMES.</i>	<i>Days attendance.</i>	<i>Amount.</i>
Reuben Smith, <i>Ensign</i>	6	\$ 8 22
Jonathan Porter, <i>Drummer</i>	21	14 70
Ebenezer Fifield, jun. <i>Sergeant</i>	7	5 25
David Hawes	10	6 70
Joseph Hutchinson, jun.	10	6 70
John Shepherd, jun.	10	6 70
Joseph Richards	9	6 3
Job H. Hoit	9	6 3
Daniel Foster	7	4 69
John Sherburne,	8	5 36
John Sherburne, jun.	4	2 68
John Reed	3	2 1
Henry B. Blackman	3	2 1
Nathaniel Paine	7	4 69
Levi Page, 2d	22	14 74
Elon Lyon	5	3 25
Nehemiah Briant	8	5 36
David Dyer	8	5 36
Benjamin Dearborn	6	4 2
William Hankerson	10	6 70

Martin Bradford	-	-	-	8	\$ 5 36
John Merrill	-	-	-	16	10 72
Oliver Kelley	-	-	-	6	4 2
John Cony	-	-	-	1	67
Joseph Thing	-	-	-	19	12 73
John Reed	-	-	-	6	4 2
					<hr/>
					\$159 82

## XI.

*Resolve granting to Thomas Cunningham, 2d. fifty dollars.*  
June 12, 1810.

On the petition of Thomas Cunningham, 2d. of Belfast, in the county of Hancock, praying that he may be indemnified for the loss of a horse, which was killed by the discharge of a number of muskets, which discharge was made at said Cunningham in the month of October A. D. 1807, by a number of persons in disguise, and to him unknown, whilst passing through the plantation of Green for the purpose of executing the duties of his office as Deputy Sheriff.

*Resolved*, For reasons set forth in said petition, that there be paid out of the treasury of this Commonwealth, unto the said Thomas Cunningham, 2d. the sum of fifty dollars, and the Governor with the advice of Council, is hereby authorized and empowered to draw his warrant on the Treasurer of this Commonwealth in favour of said Cunningham for the aforesaid sum of fifty dollars.

## XIII.

*Resolve authorizing the Court of Common Pleas in Somerset to make allowance to the Judge of Probate.* June 13, 1810.

On the petition of William Jones, Judge of Probate for the county of Somerset, stating that his fees of office will not defray the necessary expenses attending the discharge of the same, and praying an allowance for his services and expenses, and it appearing that the same are insufficient. Therefore,

*Resolved*, That the Court of Common Pleas for said county be, and they are hereby authorized and empowered to make the Judge of Probate for said county for the time being, such allowance for his services, in addition to the fees that are or

may be established by law as they may judge reasonable and just, to be paid out of the treasury of the said county. *Provided however*, That such allowance, together with such fees, shall not exceed the sum of three hundred dollars per annum, from the time of his entering into the duties of his office.

## XIV.

*Resolve authorizing Benjamin L. Oliver to sell estate of Andrew Oliver.* June 13, 1810.

Upon the petition of Benjamin Lynde Oliver of Salem, in the county of Essex, physician, guardian of Andrew Oliver, of Danvers, in said county, a person non compos mentis.

*Resolved*, That the said Benjamin Lynde Oliver, guardian as aforesaid, be and he is hereby authorized to sell, release, and convey, for such consideration or considerations as he may deem meet, all the right, title, and interest of said Andrew Oliver, in and to the lands, tenements, and hereditaments, whereof his father, Andrew Oliver, late of said Salem, Esq. deceased, intestate, was disseized in his lifetime, and afterwards died disseized as aforesaid, unto the tenant or tenants thereof respectively, or to any person or persons now, or who may hereafter be in possession thereof claiming title thereto, and to make, execute, and acknowledge any deed or deeds in this behalf necessary and proper.

*Provided however*, That the said Benjamin Lynde Oliver, shall before such sale or sales, give bond with sufficient surety or sureties to the Judge of Probate for the county of Essex aforesaid, to account for the proceeds of such sale or sales according to law.

*And be it further resolved*, That if any guardian or guardians shall hereafter be appointed over the said Andrew, the son, by reason of the determination of the guardianship of the said Benjamin Lynde Oliver, by death or otherwise, or if any guardian or guardians shall be appointed over any other of the heirs of the said Andrew the intestate, then and in every such case, such guardian or guardians, be, and hereby are authorized to sell, release, and convey, for such considerations as they may deem meet, all the right, title, and interest of their respective wards, in and to the lands, tenements and hereditaments, whereof the said Andrew the intestate died disseized as aforesaid, to the tenant or tenants thereof respectively, or other person or

persons in possession thereof as aforesaid, in manner as aforesaid : *Provided*, Such guardian or guardians, shall first give bonds with sufficient surety or sureties to the said Judge of Probate, to account in manner as aforesaid.

*And be it further resolved*, That nothing in this resolve shall be construed, to effect or impair a certain resolve passed on the petition of Sarah Oliver, of said Salem, widow, on the fourteenth day of January A. D. one thousand eight hundred and eight.

## XV.

*Resolve remitting to James Goddard and James Goddard, jun. 200 dollars. June 13, 1810.*

On the petition of James Goddard and James Goddard, jun. praying for relief against a recognizance, wherein the said James Goddard and James Goddard, jun. were severally bound in the sum of four hundred dollars, for the appearance of Caleb Fairbank, at the Supreme Judicial Court in the county of Worcester.

*Resolved*, For reasons set forth in said petition, that two hundred dollars of the said four hundred dollars be, and the same are hereby released, and remitted to each of the said petitioners, their heirs, executors, and administrators : *Provided*, they pay to the Sheriff of said county, before the next term of said Court in the aforesaid county, each two hundred dollars and cost.

## XVI.

*Resolve empowering Edward Wade to sell estate of Edward Oliver. June 13, 1810.*

On the petition of Edward Wade, jun. of Malden, in the county of Middlesex, guardian to Edward Oliver, of said Malden, a spendthrift, praying for licence to sell and pass deeds to convey the whole of the said Edward Oliver's real estate, for the payment of his just debts, expenses of guardianship, &c.

*Resolved*, For the reasons set forth in said petition, that the said Edward Wade, jun. guardian as aforesaid, be, and he is hereby authorized and empowered to sell at publick vendue, and pass deeds to convey the whole of said Edward Oliver's

real estate, for the purposes in said petition stated. *Provided*, the said Edward Wade, jun. shall first give bond with sufficient sureties to the Judge of Probate, for said county of Middlesex, and his successor in said office, that he will observe the rules and directions of law for the sale of real estate by guardians, and that the proceeds of said sale after paying the said Edward Oliver's just debts, expenses of guardianship, and incidental charges, shall be put at interest on good security for the said Edward Oliver's benefit, and that the same shall be accounted for according to law.

## XVII.

*Resolve for granting several county taxes.* June 13, 1810.

Whereas the Treasurers of the following counties have laid their accounts before the Legislature for examination, which accounts have been examined and allowed. And whereas the clerks of the Courts of Common Pleas for the said counties have exhibited estimates made by the said courts, of the necessary charges which may arise within the said several counties for the year ensuing, and of the sums necessary to discharge the debts of the said counties.

*Resolved*, That the sums annexed to the counties contained in the following schedule be, and the same are hereby granted as a tax for each county respectively, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid according to law.

Plymouth, four thousand dollars	- - - -	\$4,000
Bristol, three thousand dollars	- - - -	3,000
Dukes County, six hundred dollars	- - - -	600
Somerset, two thousand and one hundred dollars,	- - - -	2,100

*And it is further resolved*, Eleven hundred dollars of the sum hereby ordered to be raised in the county of Somerset for the year ensuing, shall be appropriated for the purpose of building a stone goal for the said county.

## XVIII.

*Resolve making an addition to the salary of Jacob Kuhn.* June 14, 1810.

*Resolved*, That there be allowed and paid out of the publick treasury, to Jacob Kuhn, three hundred and fifty dollars

for the present year, commencing the thirtieth day of May last, to be in addition to the sum of four hundred dollars allowed him by a resolve of March 26, 1793, establishing the pay of the messenger of the General Court.

## XIX.

*Resolve granting Quarter Master General five hundred dollars to purchase Regimental Colours, &c. June 14, 1810.*

*Resolved,* That the sum of five hundred dollars be, and the same hereby is appropriated out of any monies in the treasury of this Commonwealth not otherwise appropriated, for the purpose of providing State and Regimental colours, and such instruments of musick as are required to be furnished, by an act entitled "An Act for regulating and governing the militia of this Commonwealth," and the Governour with the advice of Council, is hereby authorized and directed, to draw his warrant on the Treasurer of this Commonwealth for the same sum, in favour of Amasa Davis, Esq. Quarter Master General of this Commonwealth, and the said Quarter Master General is hereby made accountable for the same.

## XX.

*Resolve establishing the salaries of the Lieutenant Governour, Secretary, and Treasurer. June 14, 1810.*

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to his Honour the Lieutenant Governour thereof, the sum of five hundred and thirty three dollars and thirty three cents, for his salary for one year from the thirty-first day of May last.

Also to Benjamin Homans, Esq. Secretary to the Commonwealth, the sum of fifteen hundred dollars for his salary for one year from the sixth day of June current, he to be accountable at the end of the year, for all the fees of office he shall have received. And to the Treasurer and Receiver General of this Commonwealth, the sum of two thousand dollars for his salary for one year from the sixth day of June current, and that all the aforesaid salaries be paid in quarterly payments, as they shall become due.

## XXI.

*Resolve on the petition of John Watson, Esq. Henry Prentiss, Esq. and Bartholomew Chever, Gent. June 14, 1810.*

Upon the petition of John Watson, Esq. of Sturbridge, Henry Prentiss, Esq. and Bartholomew Chever, Gent. both of Princeton, and all in the county of Worcester, setting forth that they were bound to the Judge of Probate for the county of Worcester, for the due execution of the will, and payment of all the debts due from the estate of his Honor Moses Gill, deceased, and that judgment has been recovered against them upon said bond, in favour of this Commonwealth, for the sum of five thousand four hundred and sixty eight dollars  $\frac{5}{100}$  debt, and eighteen dollars and nine cents costs of suit, and also that Ward Nicholas Boylston, Esq. has entered into an obligation to indemnify them against said claim, but that he hitherto refuses to do the same, that they are not able to pay and discharge the same debt from any personal estate of their own, nor to make sale of the real estate of which they are respectively possessed by reason that they derive their title to the same, under the will of said Moses Gill deceased, and the same is subject to the payment of his debts, and praying for some relief in the premises. Therefore,

*Resolved*, That the said John Watson, Henry Prentiss, and Bartholomew Cheever be, and hereby are authorized to make their joint and several promissory note to the Treasurer of this Commonwealth for the time being, and his successor in that office, for the sum which may be adjudged by the Supreme Judicial Court, to be recoverable in favour of the Commonwealth, on said judgment in the suit of *sire facias*, now pending thereon, said note to be payable in two years from the date thereof, with interest till paid, and also that the said John, Henry, and Bartholomew, cause to be made out, and duly executed, and registered, good and sufficient deeds of mortgage, of estates now held by them as aforesaid, within said county of Worcester, to the value of ten thousand dollars in the estimation of the Hon. Jonas Kendall, Esq. who is hereby authorized to make such estimate, and to superintend the making such mortgages on behalf of this Commonwealth, and upon such note and mortgages being delivered to the said Treasurer as aforesaid, and all costs and charges, which may have in any wise arisen upon the said judgment, being paid to the Attorney General of

this Commonwealth, that then the said Treasurer be, and hereby is authorized to discharge the said John Watson, Henry Prentiss, and Bartholomew Cheever from the judgment aforesaid: *Provided nevertheless*, That nothing herein before contained, shall be construed as a release or discharge of the original judgment in favour of this Commonwealth, or in favour of any Treasurer of this Commonwealth against the estate of his Honour Moses Gill deceased, whereon the judgment of the said John Watson, Henry Prentiss, and Bartholomew Cheever was founded, but the said judgment shall be, and remain as good and valid in law, to all intents and purposes as the same now exists, until the final payment and discharge of the note aforesaid, any thing herein before contained to the contrary notwithstanding.

## XXII.

*Resolve for paying several members who were omitted on the pay roll of the last Winter Session. June 14, 1810.*

*Resolved*, That there be granted and paid out of the publick treasury, to the several persons herein named, the sums set against them respectively, being their pay as members of the House of Representatives, and omitted to be entered on the pay roll, of the last winter session.

Thomas Parsons, of Gloucester, in the county of Essex, seventeen days—thirty four dollars.	\$34 00
John Tucker, Gloucester aforesaid, twenty six days, fifty two dollars.	52 00
Samuel Niles, of Abington, in the county of Plymouth, five days—ten dollars.	10 00
David Townshend, of Waltham, in the county of Middlesex, thirty-six days—seventy two dollars.	72 00
	<hr/> \$168 00

And his Excellency the Governour with advice of Council, is requested to issue a warrant on the treasury for the payment thereof accordingly.

*Be it further resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to charge eighty-six dollars to said town of Gloucester, also that he charge ten dollars to said town of Abington, also that he charge seventy-two



dollars to said town of Waltham, to the end that the several sums aforesaid, may be included in the next state tax bill, as a part of the sums to be required of the said towns respectively to pay.

## XXIII.

*Resolve on the petition of Samuel Richardson and others, of Methuen. June 14, 1810.*

On the petition of Samuel Richardson, Joseph Griffin, jun. Jonathan Griffin, Aaron Sawyer, and Oliver Whiteer, all of Methuen in the county of Essex, setting forth that a publick highway has been laid out and established through their land, and that they have been prevented by a transfer of the powers of the Court of Sessions to the Court of Common Pleas, from applying in season to the Court of Common Pleas for a Jury to estimate the damages they have sustained, by reason of the laying out of the said highway.

*Resolved*, For the reasons set forth in the said petition, that the said Samuel Richardson, Joseph Griffin, jun. Jonathan Griffin, Aaron Sawyer, and Oliver Whiteer be, and they are hereby severally authorized and empowered to apply to the Court of Common Pleas to be holden in the county of Essex aforesaid, next after the passing of this resolve, for a Jury to estimate the said damages, and the said court is hereby authorized and empowered to hear and finally determine the damages, which the said petitioners have sustained by reason of the laying out of the said publick highway through their land as aforesaid, by a Jury under oath to be summoned by the Sheriff or his Deputy for that purpose, in the same way and manner as they might have done, if the said petitioners had applied to the said court holden next after the acceptance of the report of the committee who laid out the said highway.

## XXIV.

*Resolve for paying the committee on accounts. June 14, 1810.*

*Resolved*, That there be allowed and paid out of the publick treasury to the committee appointed to examine and pass on accounts presented against the Commonwealth, for their attendance on that service during the present session, the sums

annexed to their names respectively, in addition to their pay as members of the legislature :

Hon. Nathan Willis, nine days, nine dollars.

Hon. Israel Bartlett, nine days, nine dollars.

Thomas Hale, nine days, nine dollars.

David Perry, nine days, nine dollars

Nathan Fisher, nine days, nine dollars,

which sums shall be in full for their services aforesaid respectively.

## XXV.

*Resolve for paying the Clerks of the General Court. June 14, 1810.*

*Resolved*, That there be paid out of the publick treasury, to Nathaniel Coffin, clerk of the Senate, and to Charles P. Sumner, clerk of the house of Representatives, one hundred, and fifty dollars each, and also to Samuel F. M'Cleary, assistant clerk of the Senate, and to Thomas Wallcut, assistant clerk of the House of Representatives, one hundred dollars each, in full for their services in said offices the present session of the General Court.

## XXVI.

*Resolve establishing the pay of the Clerks in the Secretary's and Treasurer's Offices. June 14, 1810.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to the first Clerk in the Secretary's Office, three dollars and eighty-four cents per day, and to each of the other Clerks in said office three dollars per day, for each day they are respectively employed therein for one year, commencing the first day of the present month of June.

*And be it further resolved*, That there be allowed and paid out of the treasury aforesaid, to each of the two clerks in the Treasurer's office, the sum of three dollars and eighty-four cents for each day they are respectively employed therein, for one year commencing the first day of the present month of June.

## XXVII.

*Resolve granting Jacob Kuhn 750 dollars, to purchase fuel, &c. June 14, 1810.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Jacob Kuhn, messenger of the General Court, the sum of seven hundred and fifty dollars, to enable him to purchase fuel and such other articles as may be necessary for the use of the General Court, together with the Governor and Council Chamber, the Secretary's and Treasurer's offices, he to be accountable for the expenditure of the same.

## XXVIII.

*Resolve in favour of Sylvanus Lapham. June 14, 1810.*

*Resolved*, That there be allowed and paid out of the publick treasury of this Commonwealth unto Sylvanus Lapham, assistant to the Messenger of the General Court, for extra service, twenty-five dollars over and above his usual pay, in full for said service the present session of the General Court.

## XXIX.

*Resolve on petition of the Trustees of Sandwich Academy, extending time for locating lands. June 14, 1810.*

Upon the petition of the trustees of Sandwich Academy, praying for further time to locate the land granted to said Academy February, 1804.

*Resolved*, For reasons set forth in said petition, that there be allowed to the said Trustees, for the purpose of locating said land, the further time of two years from the passing of this resolve.

## XXX.

*Resolve for paying the commissioners appointed to inspect the Penobscot Bank. June 14, 1810.*

*Resolved*, That there be allowed and paid out of the publick treasury to the several persons hereafter mentioned, the sums

set against their names respectively, amounting in the whole to one hundred and one dollars and twenty-five cents, in full discharge and satisfaction for their services and expenses in examining the doings of the Penobscot Bank, in pursuance of a resolve of the last General Court, viz.

To Nathan Reed, Esq.	-	-	-	-	\$31 75
To Phineas Ashmun, Esq.	-	-	-	-	31 75
To John Davis, Esq.	-	-	-	-	37 75

And that the Governour with the advice of Council be requested to draw his warrants on the Treasurer for the several sums aforesaid, in favour of the said persons respectively.

## XXXI.

*Resolve granting Roger Hunnewell 10 dollars in addition to his pension. June 14, 1810.*

On the petition of Roger Hunnewell who has been a pensioner for more than sixty years, and has received the sum of forty dollars annually from this government, and prays for further allowance.

*Resolved*, For reasons set forth in said petition that there be allowed and paid out of the treasury of this Commonwealth to the said Roger Hunnewell, the sum of ten dollars annually in addition to his present pension, and that the Governor with advice of Council is hereby requested to issue his warrants on the Treasurer for the payment of the same.

## XXXII.

*Resolve on the petition of James Bowdoin, and Thomas L. Winthrop, Esquires. June 14, 1810.*

Upon the petition of James Bowdoin and Thomas L. Winthrop, Esquires, as they are executors of the last will and testament of Elizabeth Lady Temple, late of Boston, in the county of Suffolk, deceased, praying that said Thomas may be authorized to execute certain contracts for the transfer of real estates which were the property of the said Elizabeth Lady Temple.

*Resolved*, That the said Thomas L. Winthrop be, and he is hereby authorized and empowered to perform and execute any

contracts (whether the same be under seal or otherwise) which were duly made and entered into by the said Elizabeth in her life time, for the conveyance of any real estate, or where any such contracts were made by said Elizabeth Lady Temple by attorney, or where the consideration was actually paid or secured to be paid to her by bond, note, or otherwise. And for this purpose to make and execute good and sufficient deeds of conveyance, which deeds when so made and executed, shall be good and valid to pass any such estate as fully and effectually, as the same might have been conveyed by the said Elizabeth Lady Temple in her life time, and the said Thomas L. Winthrop shall be holden to account before the Court of Probate for the use of the heirs or legatees for all monies he may receive in the completion of such contracts.

## XXXIII.

*Resolve on the petition of Augustus Johnson, authorizing the Supreme Judicial Court to grant a review. June 14, 1810.*

On the petition of Augustus Johnson of Cambridge, in the county of Franklin, and state of Vermont, trader, praying that he may be allowed to review an action against him, in favour of Rufus Harvey, of Granville, in the county of Hampshire, in which judgment was rendered at the Court of Common Pleas holden at Northampton, within and for the said county of Hampshire, on the Monday next preceding the second Tuesday of January, in the year of our Lord eighteen hundred, against the said Augustus upon default, and stating that he had no knowledge of the said suit, until after the rendition of said judgment.

*Resolved*, For reasons set forth in said petition, that the Justices of the Supreme Judicial Court, are hereby authorized to grant a review of the cause<sup>a</sup> aforesaid, upon the application of the said Augustus, in the same way and manner they might have done, if the said Augustus had applied therefor, within three years after the rendition of the judgment aforesaid : *Provided*, The said application shall be made to the said court at the next term thereof, holden within and for the said county of Hampshire.

## XXXIV.

*Resolve making an appropriation for the State Prison. June 14, 1810.*

*Resolved*, That his Excellency the Governor, by and with the advice of Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth, in favour of the superintendant of the State's Prison for such sums, at such periods as may be deemed expedient by the Governor and Council, not exceeding six thousand dollars, to enable said superintendant to perform his contract and defray the expenses of said prison the present year, he to be accountable for the same.

## XXXV.

*Resolve granting a tax for the county of Norfolk. June 14, 1810.*

Whereas it appears from the representation from the members of this House from the county of Norfolk, that the estimate for a county tax, together with the Treasurer's account, were exhibited at the last session of the last General Court, and that the same have been mislaid and are not to be found on the files of the house, and the clerk of said county of Norfolk has now exhibited an attested copy of said estimate made in December 1809, amounting to three thousand five hundred dollars. Therefore,

*Be it resolved*, That the estimate made by the Court of Common Pleas for said county in December 1809, amounting to three thousand five hundred dollars, be granted as a county tax, for the county of Norfolk, for the current year, to be appropriated, assessed, collected, paid in and applied for the purposes for which it was granted, and according to law.

*And it is further resolved*, That the Treasurer of said county shall be obliged to exhibit at the next session of this Court, an attested copy of his account current for the expenditure of the tax for the last year.

## XXXVI.

*Resolve on the petition of William Bucknam. August 15, 1810.*

On the petition of William Bucknam, administrator on the estate of Mary Bucknam, late of Columbia in the County of Washington.

*Resolved*, That the said William Bucknam be, and he hereby is authorized and empowered to convey by deed, to William Gray, all the right, title, and interest of which the said Mary Bucknam died seized or possessed, in the lot of land numbered fifty, in the town of Harrington, in said county of Washington, containing one hundred acres, more or less.

Also, to Nathan Whitney, jun. all the right, title, and interest of which the said Mary Bucknam died seized or possessed, in a lot of land containing fifty acres, situated in Columbia aforesaid, bounded as follows, viz. beginning at the river, at the north east corner of land owned by Capt. Nathan Whitney, thence running west to the town line, thence north seventy-two rods, thence east to the river, and by the river to the first mentioned bounds.

Also, to George Tinney, all the right, title, and interest of which the said Mary Bucknam died seized or possessed, in a lot of marsh in said Columbia, bounded as follows, viz. beginning at the river, at the town line of Addison, thence running west to land owned by John M'Kinsey, thence by said land to marsh owned by Thomas Ruggles, Esq. thence south sixty-eight degrees east to a creek, thence by said creek to the first mentioned bounds, containing four acres and ninety-four rods.

Also, to Edward Cox, all the right, title, and interest of which the said Mary Bucknam died seized or possessed, in two lots, bounded as follows, viz. One lot beginning at the south west corner of land owned by Matthew Coffin, jun. in said Columbia, from thence running north eighty-six rods to a stake and stones, thence west ninety-two rods to the first mentioned bounds, containing forty-nine and an half acres; and also one other lot bounded as follows, viz. beginning by the river in said Columbia, on land owned by the Hon. Levi Lincoln, thence running east one hundred and two rods to a stake and stones, thence south seventy-six rods, thence west ninety rods to the river, and by the river to the first mentioned bounds, containing fifty and an half acres.

[This Resolve did not receive his Excellency's signature until the 15th of August, because the petition was mislaid, but is now found.]

ROLL No. 63....June, 1810.

THE Committee on accounts having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively ; which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned ; which is respectively submitted.

NATHAN WILLIS, *Per Order.*

*PAUPER ACCOUNTS.*

Town of Alford, for boarding, nursing, and doctoring	
Keziah Loverage to May 14th, 1810,	\$117
Adams, for boarding and clothing Freeman Black-	
ley, and Darley's two children, Anna Warren and	
Susanna Camp to 24th May, 1810,	63 58
Abington, for boarding and clothing Thomas Sey-	
mour to 4th June, 1810,	29 20
Addison, for boarding, nursing, and doctoring Rob-	
ert Martin to 20th July, 1808,	85
Buckland, for boarding, clothing, and nursing Wil-	
liam Neagus to 24th May, 1810,	35
Brookfield, for boarding, clothing, and doctoring	
George Baslington to 1st May, 1810, and Thomas	
Boyd and Prince Brown to 27th May, 1810,	124 42
Becket, for boarding, nursing, and clothing Sally	
Leonard and Hiram Leonard to 21st May, 1810,	43
Boxborough, for boarding and clothing John McKoy	
to 24th May, 1810,	62
Bridgwater, for boarding and clothing William	
Blackley, Frederick Bignor and Michael Ryan to	
7th June, 1810,	68 35
Bristol, for boarding and clothing William How and	
Lewis Joiace to 1st June, 1810,	80 74
Brimfield, for boarding and doctoring John Christian,	
to 31st May, and Peter Brown to the time of his	
death, including his funeral charges,	39 50
Bradford Samuel, for supporting poor prisoners in	
gaol in Boston to 30th May, 1810,	301 70
Brookline, for boarding and clothing Jacob Harvey	
to 23d February, 1810,	67 20



Boston, for boarding, clothing, and doctoring sundry paupers to 1st June, 1810,	\$7257 54
Charlemont, for boarding and clothing Hannah Mc Niel to 22d January, 1810,	54 18
Cheshire, for boarding and clothing Ephriam Richardson, Clarissa Newcomb and child, and supplies and doctoring William Davis and family to 23d May, 1810,	197 25
Carlisle, for boarding and clothing Robert Barber to 26th May, 1810,	22 68
Cape Elizabeth, for boarding, clothing, and nursing Abraham Bircks, and James Ramsbottom to 21st May, 1810,	70 29
Dartmouth, for boarding and clothing John Quinal and Emanuel Gust to 20th May, 1810,	130 2
Douglas, for boarding Betsey Trifle to 15th May, 1810,	19 7
Dauners, for boarding, clothing, and doctoring Jane Duckley, Mary Duchfield, Sukey Hornsby, Ruth Persons Edward Furlong, George Campbell, Nathaniel Berry, Nancy Kenny, Mary Fox and child, Jeremiah Belrose, and George Brown, to 11th June, 1810.	199 42
Doggett Samuel, for supporting Alexander Thompson, a poor debtor in prison, to 18th October, 1809,	14 57
Deblois George, keeper of the alms house in Boston, to 1st June, 1810,	499 70
Edgartown, for supporting Joseph Hassey, a poor debtor in gaol, and Christian Carston in full for boarding, nursing, and doctoring, to 3d May, 1810,	60 27
Easthampton, for boarding, clothing, and doctoring John Hall to 30th May, 1810,	22 25
Easton, for boarding, clothing, and doctoring Anthony Morrill and Edward Johnson to 25th May, 1810,	40 53
Florida, for supporting the children of Amos Eldridge to 23d May, 1810,	119
Granby, for boarding, clothing and doctoring Ebenezer Darwin, to 28th May, 1810,	37 2
Gloucester, for boarding and clothing sundry paupers to 10th May, 1810,	781 50

Great Barrington, for boarding and clothing Isaac, Catharine, and Mary Hoose, John Whittie, Clarissa Lindsey, and Anne Rathbon to 26th May, 1810,	\$101 98
Granville, for boarding and clothing George Taylor to 1st May, 1810,	23 25
Greenwich, for boarding, clothing, and doctoring John Howard, John Baily and wife, Elizabeth Huntington, and William Rife, to 5th June, 1810,	99 44
Gill, for boarding and clothing Sarah Hambleton, Samuel Lyons and wife to 24th May, 1810,	53 45
Hambleton, for boarding, clothing, and doctoring Molly Moncrief to 5th April, 1810,	61 67
Hancock, for boarding Rebecca Osborne to 10th May, 1810,	15 90
Hodgkins, Joseph, keeper of the house of correction in Ipswich, for boarding and clothing Mary, a black woman, Adeliade, Huldah, Hicks, John Squires, and James Cahoon, to 6th June, 1810, including the allowance made by the Court of Common Pleas, to 21st March 1810,	373 60
Hingham, for boarding and clothing George Farmer and Jezera Crafts to 1st June 1810,	49 74
Hiram District, for boarding and clothing Daniel Hickey to 14th May, 1810,	24
Hutson John, underkeeper of the gaol in Salem, for boarding sundry poor debtors, confined in gaol to 4th June, 1810,	88 71
Lee, for boarding and doctoring Savory Church and child, and supplies to Jonathan Blackman and wife to 24th May, 1810,	28 98
Longmeadow, for boarding and doctoring Betsey Melrose to 30th May, 1810,	7
Lenox, for boarding and clothing Abraham Palmer to 25th May, 1810,	33 94
Lincolnvile, for boarding and clothing Timothy Cox and Alexander White to 3d June, 1810,	72 20
Leicester, for boarding and clothing Lydia Dunham to 1st June, 1810,	15 30
Lanesborough, for boarding and clothing Jerusha Welsh and William Tracey, to 1st June, 1810, and Dent Harrisson to the time of his death,	75 67

Leyden, for boarding, doctoring, and clothing Jediah Fuller and wife, Ruth Abel, and Elizabeth Waggoner, to 27th May, 1810,	863 92
Middleborough, for boarding, clothing and doctoring John Fitzgerald, to 10th January, 1810, and William Pike to 10th April, 1810,	170 45
Montague, for supplies and doctoring Joshua Searle to 10th May, 1810,	58 47
Marblehead, for boarding and clothing sundry paupers, to 5th June, 1810,	357 50
North-Yarmouth, for boarding, clothing and doctoring William Campbell, to 31st May 1810,	34 25
Northfield, for boarding and doctoring Richard Kingsbury, to 25th May, 1810,	35 80
Newburyport, for boarding, clothing, and doctoring sundry paupers, to 1st June 1810,	1247 72
Newbury, for boarding, clothing and doctoring sundry paupers, to 1st June 1810,	937 58
New Salem, for boarding and clothing two children of Olive Bedicent, to 4th April, 1810,	49 50
Portland, for boarding, clothing, and doctoring sundry paupers, to 1st June, 1810,	1031 32
Parker Thomas, jun. for doctoring State paupers in the alms-house in Boston to 15th May, 1810,	400
Pittsfield, for boarding, nursing, and doctoring Peter Huen, Jonathan Spear, and William Clark, including clothing to 3d June, 1810, and Sarah March and child, to the time of their death, including funeral charges,	184 5
Readfield, for boarding clothing, and doctoring Collin Cameron and Edward Burges to 17th May, 1810,	69 27
Randolph, for supplies to John Cole to 21st May, 1810,	19 34
Rowe, for boarding and clothing Betsey Carpenter to 23d May, 1810,	27 50
Russell, for supplies to John Newton and wife to 23d May, 1810,	31 79
Swanzey, for boarding and clothing Thomas Conally to 11th May, 1810,	23 51
St. George, for boarding and clothing Robert Hawes, Eleanor Matthews, and William Benson to 2d June, 1810,	132 60

Salem, for boarding and clothing sundry paupers to 4th June, 1810,	\$1234 57
Sandisfield, for boarding, clothing, and doctoring Richard Dixon, wife, and children, Eliza Dandoo and Mary Rogers to 21st May, 1810,	44 23
Tisbury for boarding and doctoring Henry M'Kin- sey, James Lynder, Richard Roberts, Henry Lun- day, and Peter Thomas to the time they left the Commonwealth,	137 44
Topsham, for boarding, clothing, and doctoring William Proctor to 28th May, 1810,	96 54
Troy, for boarding and doctoring William Braw to the time of his death, including funeral charges,	27
Vassalborough, for boarding, clothing, and doctoring James Leister and Abigal Fairbrother to 26th May 1810,	48 96
Washington, for boarding and clothing Phebe Clark to 25th May, 1810,	17 17
Windsor, for boarding, clothing, and doctoring Hen- ry Smith to 9th May, 1810,	33 66
Warwick, for boarding and clothing Samuel Griffith to 29th May, 1810,	25 33
Willbraham, for nursing and doctoring Phillip Lewis to the time of his death, including funeral charges,	17
Wrentham, for boarding, clothing, and doctoring Comfort Lauton and Elizabeth Taylor to 7th May, 1810,	116 3
Williamston, for boarding and clothing Robert Mor- rill, Stephen Blue, James M'Cartha, and Rachel Galusha to 23d May, 1810,	94 1
West Springfield, for boarding and doctoring Wil- liam Bell and James Aldridge to 21st May, 1810,	36 26
Worcester, for boarding, clothing and doctoring Pe- ter Willard, Henry Bratz, Sally Melvin, and Nathan Heard, a poor debtor confined in gaol, to 1st June, 1810,	92 46
Westford, for boarding and clothing Phillip Jackson and Christopher Shepard to 7th June, 1810,	36 75
Total Paupers,	<hr/> \$18,696 79

*MILITARY ACCOUNTS.**Courts Martial and Courts of Inquiry.*

Thayer Samuel M. for the expense of a Court Martial, held at Roxbury, 18th January, 1810, whereof George Ellis was President,	\$120 24
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*Brigade Majors and Aids-de-Camp.*

Barstow Samuel, to 1st June, 1810,	42
Elwell Robert, to 15th February, 1810,	122 31
How Este, to 28th May, 1810,	12 80
Tinkham Seth, to 22d February, 1810,	37 63
Talbot Peter, to 1st January, 1810,	80 20
Whiting Timothy, to 12th June, 1810,	58 20

*Adjutants.*

Boyd Willard, to 1st June, 1810,	63 35
Bass George, to 10th April, 1810,	25 57
Boynton Joseph, to 27th June, 1809,	16 34
Blossom Alden, to 1st May, 1810,	14 75
Clap Ebenezer, to 30th June, 1809,	17 99
Dana Isaac, to 4th June, 1810,	30 51
Frost Daniel, to 29th January, 1810,	6 86
Harrington Joseph, to 3d March, 1810,	68 38
Jewitt Caleb, to 26th May, 1810,	42 55
Libby Nathaniel, to 1st January, 1810,	27 83
Lambert John, to 3d December, 1809,	6 6
Ripley James W. to 30th September, 1809,	13 16
Sayles Richard, to 9th May, 1810,	14 44
Sears Joseph, to 14th May, 1810,	18 16
Stern William, to 1st May, 1810,	37 50
Taft Haslington, to 4th April, 1810,	11 35
Wilmud David, to 30th September, 1809,	8 74
Ware Jason, to 1st June, 1810,	17 75
Walker Peter, to 9th May, 1810,	26 63

*Expense for Horses, to haul Artillery.*

Burt Moses, jun. to 6th June, 1810,	5
Ford Noah, to 1st June, 1810,	7 50

Wiggen Joseph, to 20th May, 1810,	\$10
Plummer Addison, to 4th June, 1810,	8
Seaver Joseph, to 1st November, 1809,	8 75
Alden Peter O. to 29th May, 1810,	12
Total Military,	<hr/> \$992 35

*SHERIFFS' AND CORONERS' ACCOUNTS.*

Bridge Edmund, for returning votes for Governour, Lieutenant Governour, and Senators to 17th May, 1810,	14 50
Bowen Nathan, for expense of taking inquisition on the body of Margaret Murson, 14th April, 1810,	20 40
Cooper John, for returning votes for Governour, Lieutenant Governour, and Senators to 15th May, 1810,	57 28
Folsom John W. for taking inquisition on the body of a stranger, 3d June, 1810,	25 57
Leonard Simon, for returning votes for Governour, Lieutenant Governour, and Senators to May, 1810,	11 20
Lawrence Jeremiah, for returning votes for Govern- our, Lieutenant Governour, and Senators to 22d May, 1810,	8 80
Worth Jethro, for returning votes for Governour, Lieutenant Governour, and Senators to June, 1810,	8
Total Sheriff's and Coroner's Accounts,	<hr/> \$415 75

*PRINTERS' ACCOUNTS.*

Adams & Rhoades, for publishing the report of the Committee on Berkshire and Northampton Banks,	29
Cushing Thomas, for publishing acts and resolves to 1st June, 1810,	16 67
Denio John, for publishing acts and resolves to 1st June, 1810,	16 67
Edes Peter, for publishing acts and resolves to 1st June, 1810,	16 67
Foster Moses B. for printing for the Treasurer's office,	17 17
Lindsey Benjamin, for publishing acts and resolves to 1st June, 1810,	16 67

## RESOLVES, June 14, 1810.

61

Pool & Palfrey, for publishing acts and resolves to 1st June, 1810,	16 67
Russell & Cutler, for printing for the Commonwealth to 12th June, 1810,	664 30
Russell Benjamin, for printing for the Common- wealth in full to 13th June, 1810,	13
Thomas & Andrews, for printing the militia laws to May, 1810,	500
Young & Minns, for printing acts and resolves to 9th June, 1810,	1734
	<hr/>
Total Printers,	\$3,040 82

*MISCELLANEOUS ACCOUNTS.*

Dudley Indians, 26th May, 1810, due to their guard- ians in full to that time, \$111 56, which sum the Treasurer of the Commonwealth is directed to charge said Indians with, and deduct the same from the sums due them from the Commonwealth,	111 56
Durant William, for work and materials found for the State House to 6th June, 1810,	45 88
Harris Thomas, for oil furnished for the State House to 1st June, 1810,	60
Chase Warren, for assisting the messenger to the General Court to 15th June, 1810,	28
Lapham Sylvanus, for assisting the messenger to the General Court to 15th June, 1810,	36
Perry John, for assisting the messenger to the Gen- eral Court to 15th June, 1810,	32
Kuhn Jacob, for balance due him, over and above a grant of 19th January, 1809, of one thousand dol- lars; a grant of 2d February, 1810, of three hun- dred and fifty dollars, to 13th June, 1810,	26
	<hr/>
Total Miscellaneous,	\$313 70

*Aggregate of Roll No. 63—June, 1810.*

Expense of State Paupers,	18,696 79
Do. Militia,	992 35
Do. Sheriffs, &c.	145 75
Do. Printers,	3040 82
Do. Miscellaneous,	313 70
	<hr/>
Total,	\$23,189 41

*Resolved*, That there be allowed and paid out of the publick treasury to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons, names respectively, amounting in the whole to the sum of twenty-three thousand, one hundred, and eighty-nine dollars and forty-one cents, the same being in full discharge of the accounts and demands to which they refer.

*In Senate June 14th, 1810,*

Read and accepted, and sent down for concurrence,

H. G. OTIS, *President*.

*In the House of Representatives, June 14th, 1810,*

Read and concurred,

PEREZ MORTON, *Speaker*,

June 14th 1810, Approved,

E. GERRY.



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# RESOLVES

OF THE

## General Court of Massachusetts,

PASSED AT THE SESSION BEGUN AND HOLDEN AT BOSTON, ON THE  
TWENTY-THIRD DAY OF JANUARY, IN THE YEAR OF OUR  
LORD, ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

\*\*\*\*\*

### GOVERNOR'S SPEECH.

\*\*\*\*\*

REPRESENTATIVES' CHAMBER, JANUARY 25.

*At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor came in, accompanied by his Council, the Secretary of the Commonwealth, and other officers of government, and delivered the following*

### SPEECH :

GENTLEMEN OF THE SENATE, AND  
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THE pleasure resulting from a convention of public functionaries, in different departments of Government, delegated by a free people, to promote their common welfare, can only be estimated by those, whose primary objects, in the discharge of this important trust, are the peace, honour, and happiness of their beloved country.

Since our last interview, the disposition manifested by the inhabitants of this Commonwealth, to restore that general harmony which has raised them to their exalted station, and which in future must form the solid basis of their social and political enjoyments is highly honourable to themselves, and animating to their public agents. To your powerful example and extensive influence, is the community principally indebted for this important change, and by similar means, at this perilous crisis, you will increase and confirm our national felicity. The practice, amongst fellow-citizens, of moderation, forbearance and benevolence, is always productive of happy effects; and the magnanimity which forgives, extinguishes enmity, and excites in lieu of it, generosity and friendship.

The two mighty belligerents, who continue to crimson the Eastern world by their destructive conflicts, present to us alternate hopes and apprehensions of their pacific and hostile intentions. Their general conduct proclaims, that enormous power is inimical to justice, and adverse to good faith.—*France* indeed has revoked her obnoxious decrees; but to what effect, if in conformity to her late official communication! Treaties, which of right never can be altered by one party, have, by our Government, been sacredly maintained, whilst the belligerents, in their treaties with us, have applied their municipal power, to modify, alter, or annul them, at pleasure. Under these circumstances, of what avail are such solemn compacts? Are they not the ambuscades of perfidy to surprize and plunder honest credulity?

The Government of the United States, from the establishment of their Independence to the present period, in their intercourse with foreign nations, have conducted with the utmost impartiality, justice and honour. They have been incapable of intentional injuries, and to casual wrongs have applied immediate remedies. They have contended for their own rights, but have never derogated from the rights of others. They have not coveted foreign territory, and in recovering their own have evinced great moderation. They have carefully avoided violent measures, and have preferred to them amicable negotiation. They even in this, have not been hasty or urgent; but have exercised patience, whilst compatible with dignity. They have punctually discharged their just debts, and have unlimited credit at home and abroad. Is not such a Government entitled to the highest respect, and the strictest justice? How have

their equitable claims on the belligerents been answered? By delays, which have become denials; and which to injuries have added insults. The crisis is rapidly approaching, if not arrived, when our Government must sanction this degrading conduct, or oppose to it their sovereign veto. The former would fix an indelible stain on the nation; the latter would manifest her wonted magnanimity. If war, which she still deprecates, should be the result, she has ample means, under Divine Providence, to support it. Twelve hundred thousand brave and determined freemen, whose necks were never yoked in bondage, whose swords would leap from their scabbards, to avenge their country's cause; whose native land, abounding with the necessities, conveniences and luxuries of life, can supply them with every requisite for war, may bid defiance to any hostile nation or coalition on earth. In this perilous state of our public concerns, let us obey the loud calls of national interest and honour; let us support every measure of Government, for terminating foreign rapine and aggression. Let us not foster or countenance predilections or prejudices for or against Great-Britain or France. Let us exterminate those germs of public dissensions, which threaten an harvest of political misery. Let us drain every source of foreign influence, and multiply the streams of uncontaminated patriotism.

The Militia has commanded the attention of the President of the United States, whose propositions for defence are of the highest importance. The vast objects embraced by the views of the aspiring monarchs of Europe; their unbounded ambition, prostrating before it every obstacle of religion, justice and humanity; their frequent indications of an hostile disposition towards us; the time required to place the nation in the best posture of defence; and the short notice which may precede the necessity of this, all conspire to urge, in preference to every other consideration, those measures which regard our public safety. To perfect the officers in discipline, is indispensable; on them must depend that of the soldiers. An army without rule, is weak in proportion to its numbers; but well regulated, it is a moveable fortress, defended at every point. The Steuben system, now in use, is generally admitted to be inferior to that practised in Europe. If it should be the wish of the Legislature to adopt the latter, a seasonable notice of it to our Members in Congress may promote the measure; and will not an Inspector-General, of the first military talents, promote, expeditiously,

In the business, gentlemen, of your present session, my first object and wish will be to accord with the Legislature. An union of sentiment between the different departments of the State Governments, and between those and the Government of the United States, will insure success to our political pursuits ; and present to foreign nations a full conviction that they can have no hopes of dividing, which is the only means by which they can conquer us. Such an union cannot fail of making this nation happy at home and respected abroad.

The documents respecting several of the subjects of this address, with further remarks on particular laws, will be communicated by Message.

ELBRIDGE GERRY.

## ANSWER OF THE SENATE.



*MAY IT PLEASE YOUR EXCELLENCY,*

THE convention of the public functionaries of a free people, delegated by them to promote their common welfare, is a spectacle, which, in proportion as it exhibits to the view of the patriot and the philanthropist the noblest display of our natures, will excite in the minds of those, whose duty calls them to the discharge of the important trust, their best exertions to secure the peace, honour, and happiness of their country.

With your Excellency, the Senate view, with high satisfaction, the spirit of general harmony, which at present prevails among the citizens of our Commonwealth; and they are happy in believing, that this pleasing event is the natural result of those wise institutions, which from the education, habits and virtues they enjoin, secure to all the inestimable right of free enquiry, the power of forming a correct judgment of the means of promoting their social and political happiness, of advancing the national honour, and of making a just estimate of the happy effects which invariably result from the exercise of moderation and benevolence.

Experience has taught the people and government of the United States, that no reliance is to be placed on the most solemn treaties with the European powers, while at war among themselves. The two great belligerents have, for many years past, been alternately appealing to our hopes and fears, in the wish to compel or allure the United States to become allies of each against the other in their destructive conflicts. The impartial, just, and honourable policy, which has uniformly influenced the councils of the cabinet of the United States, has hitherto defeated the unjust views of the belligerents. The American government incapable of intentional injury, always ready to apply immediate remedies to casual wrongs, careful, while contending with firm-

ness and moderation for their own rights, not to derogate from the rights of others, wisely preferring patient and amicable negotiation to measures of violence while compatible with their national dignity, will indeed be entitled to command the respect of all the honest part of the world of the present day, receive the approbation and applause of the future historian, and serve as a bright example of honour and morality to future ages. Should the apprehensions of your Excellency be realized, and the period be at length arrived, when the dignity and honour of the American government is loudly called upon to vindicate the rights of its citizens against the unparalleled aggressions and wanton depredations of the belligerents or either of them, if the final appeal of nations must be made, we cordially unite in sentiment with your Excellency, that the people of this nation are blessed with ample means to support it, and that, under favour of Divine Providence, ultimate success will crown their just efforts. Our country, rich in resources, abounding with the necessities and comforts, and even luxuries, of life, and driven by the injustice of belligerent Europe, to manufacture to the extent of all her wants, will never again feel the privations and distresses, which she experienced during her revolutionary war; and her twelve hundred thousand citizen-soldiers, animated with the love of country, and determined to avenge her wrongs, armed and disciplined, may indeed bid defiance to the hostility of any nation or coalition of nations, on earth. In a crisis like this, we cannot doubt, but confidently trust, that our citizens will unitedly obey the loud call of their nation's interest and honour; that, laying aside all party animosities, they will support every measure of our national government for terminating foreign plunder and aggression, and suppressing all predilections or prejudices, for or against any foreign nation, unite in exterminating every germ of foreign influence, and voluntarily enlist under the standard of uncontaminated patriotism.

We are happy to learn from your Excellency's communication that the regulation of the militia has again commanded the attention of the President of the United States, we doubt not from this circumstance, that it will soon claim the attention of Congress, to whom so essential a prop of our national security cannot be a subject of indifference. We assure your Excellency, that so far as the Constitution has entrusted this object to the regulation of the State Legislature, the Senate are ready to give their most prompt concurrence in any measures that the importance of the subject demands.



It was hoped and believed that the confusion which attended the affairs of the State Prison at the organization of the present government, was, in a great degree done away by the new arrangements made by the Executive in the regulation of that institution. Should, however, the Executive deem further Legislative provisions necessary, the Senate will readily attend to any communication upon that subject.

The Senate sincerely participate in the regrets of your Excellency, in contemplating any unpleasant circumstances which have taken place in any section of the Commonwealth. They hope and believe that any opposition to the legal orders of the Supreme Judicial Court in the County of Lincoln, if any has existed, has been the result of misapprehension and mistake, rather than of any desire to oppose the constituted authorities of the government under which they live, and which they are bound to support by every tie of allegiance, and on which alone they can depend, for the protection of their liberty, security and happiness. The Senate recognize with great satisfaction, the happy effects which have already been produced by the law entitled "An Act for the limitation, and equitable adjustment of real actions."—This law has already spread tranquillity in every part of the district of Maine, excepting where the conflicting claims of non-resident proprietors cover the same tract of territory. The attention of the Senate will be called at an early day of the present session to provide a remedy for that existing evil.

With respect to the information which your Excellency has received, touching the riotous violation of laws in the person of David Sewall, Esq. in the County of Hancock, the Senate believe, that when the Supreme Judicial Court are by law appointed to convene in that County, the Grand Jury of that vicinity will strictly discharge their duty, by paying every attention to the investigation of that outrage, which its importance and the indispensable support of law and justice require.

The Senate are highly gratified to find that ready attention has been paid to the affairs of the former County Treasurers of Middlesex and Berkshire, who have absconded; they are pleased to find that no pecuniary loss will fall on the public in that of Berkshire, they sincerely hope that the public may be equally fortunate in that of Middlesex.

The Senate are sensible that complaints are multiplied against the existing laws for imprisonment for debt, they believe not without just cause; the remedies suggested by your Excellency

shall be duly attended to on the part of the Senate, in the course of the present session.

So far as a union of sentiment between the different departments of the State Governments, and between them and the Government of the United States, will ensure success in our political pursuits, and present to foreign nations, the hopeless expectation of conquering by dividing us ; and so far as such union will perpetuate the happiness of our nation at home, and its respectability abroad, your Excellency may be assured of the readiness of the Senate to promote it by every constitutional means in their power to adopt.

Any further communications, which your Excellency may see fit to make to the Legislature, shall, on the part of the Senate, be attended to without delay.

*In Senate, January 31, 1811.*

Read and accepted, and ordered that the Committee who drafted the same, present it to his Excellency the Governor.

H. G. OTIS, *Speaker.*

## COMMONWEALTH OF MASSACHUSETTS.

*In the House of Representatives, February 2, 1811,*

The following answer to the Speech of His Excellency, was read, considered and approved. And thereupon it was ordered that Mr. E. Howe of Sutton, Mr. C. Davis of Boston, Mr. Howard of Augusta, Dr. Kittridge, and Mr. Ripley, be a Committee in the name of the House, to present the same to his Excellency.

JOSEPH STORY, *Speaker.*

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ANSWER.

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MAY IT PLEASE YOUR EXCELLENCY,

THE House of Representatives, coming from different portions of the state, and bringing with them the sentiments of their constituents, have received the communication of your Excellency with all that respect which is due to the Chief Magistrates of a free and enlightened People.—Elevated by their suffrages to the most exalted station in the Commonwealth, they feel the highest satisfaction that the auspicious presages they had formed of your public career, have been verified. They have seen it identified with the prosperity of the state, and have beheld it embracing that rational confidence in the National Government, which forms our surest protection from embarrassments at home, and dangers from abroad. They have witnessed, with peculiar satisfaction, that the public sentiment has resumed that mild and placid state, which substitutes harmony for virulence, and reason for intoxication.

In this conciliatory spirit, may the community progress, and earnestly combine all the energies of social life, to advance the honour, the happiness and interest of our country.

To the example of the executive department, is in a great degree, to be attributed "the disposition manifested by the inhabitants of this Commonwealth to restore general harmony which has raised them to an exalted station; and which in future must form the solid basis of their social and political happiness."

The Eastern Continent continues to unfold scenes of unexampled hostility and desolation. War with portentous aspect spreads its fatal effects and embraces in its destructive career every endearing relation of man.

To advance the views of the contending powers, one universal state of misery is developed, which sacrifices human happiness with despotic dominion; and prostrates individual rights without commiseration or sensibility.

It would appear that the duration of the conflict is altogether incalculable, for the two mighty belligerents, the one with the supremacy of the ocean; the other, concentrating the force of continental Europe, are staked to the combat; until the commercial control of England gives way to a more liberal policy, or the gigantic despotism of France sinks beneath its expanded power.

Under circumstances both of such awful fulfilment and pre-sage; with a view of recent events; and deducing from the nature of the contest, the probable anticipation of the future, is it at all wonderful, that such an important epoch should impart some portion of embarrassment to distant nations? Instead of feeling surprised, that the whirlwind which has desolated nations, should have affected our interests—is it not matter of astonishment, that it has not as yet more fatally invaded our peace, and disturbed our repose? Is it not a subject of transcendent gratitude to an overruling Providence, that thus far we have travelled on our course with increasing prosperity and strength. That amidst surrounding devastation, we have escaped the ravages of war; and that whilst the ancient world has witnessed the groans of an hundred millions of people sinking under the weight of iron systems on the land and on the ocean; this nation has been adding to her resources, her population and prosperity. In the contests of Europe—contests,

which contemplate no other object, but to fix in some modification the shackles of arbitrary power upon peaceful and unoffending nations; this country ought not to embark: So long as their animosities only excite them to reciprocal vengeance, and their operations are confined to themselves; it is our duty as well as our interest, to remain strangers to their fury, and neutrals to their warfare. We may indeed regret their conduct, as productive of misery to the human race; but as a nation whose desire is peace, we should not commit ourselves to their policy or passions. But should the storm which has hitherto rolled at a distance, approach our shores—should the rights of an innocent and pacific nation continue to be the sport and the scorn of relentless monopoly, or insatiate ambition—should the precious gift of peace procured for us by the valour of our fathers, no longer be maintainable with honour; like them we must rise with the crisis, and preserve uncontaminated, the rights and character of our country. The difficulty has been, that by both of the belligerents we have been placed in an attitude novel and embarrassing. Agreed in no common principle of amity they have coalesced in the most vindictive interference with neutral privileges. England led the way, and France has pursued her steps, with an energy as determined. At length France has rescinded her edicts so incompatible with neutral rights, but has substituted in their stead, municipal regulations which may subject us to equal embarrassment! Both England and France, under interpolated principles of national law, or insidious constructions of our public statutes, have captured and condemned our property, without a single proposition for redress.

Should either belligerent, in spirit as well as profession, remove our just causes of complaint; should it restore to this country a full enjoyment of those blessings which heaven designed for the benefit of every community; we should confidently hope that the other would follow so just an example. But if contrary to our expectations, she did not, we are persuaded, that a tone of energy and decision would pervade our public councils in relation to the one so refusing; that the resources of the nation would be developed with an universal burst of indignation; and that the free and independent citizens of this Republic would convince the world, that *as in peace we*

*had been just and honourable, so in war, in defence of our dearest rights, we could be brave and vindictive.*

“We recognize with the most honourable satisfaction, the wise, and just, and impartial course which has been pursued by the National Government. During a period pregnant with important vicissitudes, their object has been to avoid the vortex of European policy, and to pursue a path which embraces “peace, amity and honest friendship with all nations—entangling alliances with none.” Thus far has their conduct maintained only the fair exposition of our rights, without resorting to energetic measures to redress our manifold wrongs. At a time when principle has been exiled from the cabinet of Princes, and injustice permitted to take its widest range; they are accused, in no instance, with the appearance of plausibility, of attempting to invade the rights of others. In their internal regulations, they have manifested that wisdom which has secured them confidence and respect. Actuated by principles purely pacific, they delayed taking possession of a distant Territory, until its citizens, by voluntary consent, requested their interference; placed in a situation of perfect anarchy and confusion, with every tie of supposed allegiance subverted by the state of their native land; they invited the interposition of our Executive, in relation to a territory which was ours by purchase; which was essential to the integrity of our empire, and absolutely necessary for the preservation of our commercial rights. The promptitude of the National Government on this occasion, excites our unlimited applause; and the general course of their measures, embracing our most important interests, will entitle them to the respect of mankind; when tyrants shall be remembered only in the execrations of history.

National prejudices and predilections, or a disposition to dissolve our confederated Union by negotiation or force, are germs engendered in corrupted minds, repugnant to the feelings of the patriot, and, if matured, “would prove a harvest of political misery.” To harmonize the public sentiment, and soften the asperities of party, so hostile to our national existence, in the manner recommended by your Excellency, will not fail to produce a powerful effect upon the minds of our constituents, when they reflect that this admonition proceeds from him whose life and services have uniformly been devoted to consummate their political prosperity and happiness.

The modern system of military tactics, as known and practised in Europe, comprises advantages greatly superior to our own; and every proposition, coming from so high and elevated an authority as the Executive of the Union, recommending new modes of defence, will, we are confident, command the earliest attention of Congress. From the importance of the subject, interwoven as it is with our forms of government, we are confident from every department of the national government it will receive all that improvement of which it is susceptible. Founded in the habits and feelings of our fellow-citizens, if properly cultivated, our militia will become "a moveable fortress, defended at every point." Any instructions which will aid the delegates from this state in accomplishing so desirable an object, will most cheerfully be superadded to that interest which they already feel for its strength and security.

The subject of the State Prison will receive the attention of the House of Representatives; and, if legislative assistance can remedy the evils growing out of a defective system, they will readily interpose.

We extremely lament, that, in any portion of the Commonwealth, the resort to a military force should have been considered essential to good order and personal security. We believe, however, that the time has already arrived, when some fixed principles must be established, to settle and adjust the rights, both of the claimant and the possessor to eastern lands, in order that the fears and apprehensions of so respectable a portion of our fellow-citizens may be put to rest.

Public defalters, betrayers of public trust and confidence, always excite the indignation and contempt of honest freemen. But it affords some satisfaction that no pecuniary loss will be sustained by the public, so far as it respects the County Treasurer of Berkshire.

The laws relative to imprisonment for debt, as well as many other parts of your Excellency's communication, will receive the earliest attention.

It will afford us satisfaction to accord with your Excellency on subjects of public concern; and it will give us no less pleasure to establish and confirm a national character, by imparting to the federal government a rational confidence and respect.

In discharging the trust devolved on us by our constituents, it is our earnest desire that reciprocal harmony should pervade our public councils ; that the little petty irritations of party may give place to the general welfare ; and that each individual may be animated with the most anxious solicitude for the happiness and prosperity of the country.



# GOVERNOR'S MESSAGES

73

## BOTH BRANCHES OF THE LEGISLATURE.



*Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,*

THEIR Excellencies, the Governors of Pennsylvania, Delaware, and Georgia, in their several letters to the Governor of this Commonwealth, have enclosed the Resolves of their legislatures, respectively, on the subject of the alteration proposed to the Constitution of the United States, by a resolution of this State of the 20th of June 1809. The Governors of Georgia, and Kentucky, have in like manner enclosed the Resolves of their respective States, disapproving of another amendment, proposed by the State of Pennsylvania, and the former Governor has enclosed a third resolve of that State, disapproving of an amendment proposed by Virginia, to the Constitution of the United States.

The Hon. Mr. Lloyd, one of our members in the federal Senate, has also communicated some information, on the subjects of the resolution of the legislature of this State, passed the 6th of March last, and of a clause inserted in the post office bill, for enabling the Adjutant General of the militia of each State and territory, to receive and transmit, in certain cases, letters free of postage.

The managers of the Rhode Island Coal Lottery, have also transmitted to the late Treasurer, the account required by an Act of the 10th of June, 1808, of this State; and the Secretary is directed to lay before you, Gentlemen, all the documents relating to these several matters.

E. GERRY.

*Council Chamber, 9th June 1810.*

*Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,*

At the first session of the first Congress, under the existing federal Constitution, Congress "*Resolved*, That it shall be the duty of the Secretary of State, to procure from time to time, such of the Statutes of the several States, as may not be in his office."

This enabled Congress, by a perusal of the Laws of all the States, to avail itself of their joint wisdom, in the exercise of those legislative powers, and authorities, which had been before solely vested in the respective States ; but which, by the federal Constitution, were transferred to the general Government : and also to check any State, in trespassing the Legislative bounds, prescribed to it by the Constitution of the United States.

Since that period, a practice has been adopted amongst several of the States, to send, at the end of each Legislative Session, a copy of their Laws, respectively, for the use of the executive, and of each branch of the Legislature of their Sister States : which appears to be a wise measure, and if carried into effect, so as that each State shall be in possession of the whole code of every other State, will produce a collection of State Laws, which will greatly facilitate the business of Legislation, and lay the foundation for arriving to a degree of legislative perfection, by the joint wisdom and experience of the whole, which cannot easily be attained without such a provision.

It is therefore, gentlemen, submitted to your consideration, whether it will not be of great public utility, to make it the duty of the Secretary of this State, or of some other officer, from time to time, to procure three sets of such of the Statutes of the several States, as may not be in his office, for the use of the executive, and of each branch of the legislature ; to have the detached parts of those laws properly arranged and bound ; and to correspond with the Secretary or the proper officer of every State, for the purpose of obtaining such of their Laws as may be wanted, and in return for Laws received of any State, for supplying it, with those Laws which may be requisite to complete its code of this Commonwealth.

I have received from the Governor of North Carolina, a letter, of the 22nd of March 1809, and one of the 19th March last, and from the Governor of South Carolina, a letter of the 25th of April 1809, forwarding three copies of the acts of their sessions, terminated at those periods, respectively ; also a letter

from the Governor of Virginia of the 11th of April last, stating, that he is required to propose to the executive Council of each State in the Union, an annual exchange of the respective acts of every State, including the revised code; and that he has transmitted such of the acts of Virginia, as fall within the requisition. I have also received from the Clerk of the House of Representatives of the United States a letter of the 27th April 1809, informing me, that he has transmitted three copies of the Journals of the House, during the last session of Congress: and I have directed the Secretary to lay before you, Gentlemen, the letters, and two copies of the acts and Journals before-mentioned.

*Council Chamber, June 13, 1810.\**

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*Gentlemen of the Senate, and  
Gentlemen of the House of Representatives.*

THE documents referred to in my last communications, will be presented by the Secretary. Those which relate to the counties of Lincoln and Hancock, are numbered from one to eighteen; Those of the State Prison, from one to thirty-five; and such as respect the County Treasurers, from one to six. The two first are numerous, but requisite for a clear understanding of their respective subjects.

The Secretary is also charged with the delivery of official returns from the Adjutant General, and from the Quarter Master General, each numbered from one to four, of a letter from the Secretary of State, of the 15th of this month, which encloses a resolution of Congress, proposing an amendment to the Constitution of the United States; and a letter from his Excellency Governor Lloyd, of Maryland, containing the negative of the Legislature of that State, on a proposition of the State of Pennsylvania for amending the Federal Constitution.

*Council Chamber, January 29, 1811.*

E. GERRY.

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No. 1 Affidavit of Eliot G. Vaughn, and Judge Thatcher's Letter.

2 Petition of a committee of the town of Nobleborough.

\* The preceding Messages of His Excellency Governor Gerry, were omitted in printing the Resolves of June last, 1810.

- 3 Petition of Capt. Tucker, and others.
- 4 Letter from Hon. Judge Thacher.
- 5 Letter from Alden Bradford.
- 6 ———from Moses Carleton, Jun.
- 7 Order from Supreme Judicial Court.
- 8 Questions proposed by the Governor to General King and Hon. S. Lee.
- 9 Report of the Honourable Council.
- 10 Letter from the Governor to General King and Judge Lee.
- 11 ———from Judge Thatcher to the Governor.
- 12 ———from James Malcom to Judge Thacher.
- 13 ———from Judge Lee to the Governor.
- 14 ———from Hon. Thomas Cutts to Hon. Aaron Hill.
- 15 ———from Judge Thacher to the Governor.
- 16 ———from B. Joy to the Governor.
- 17 ———from David Sewall to the Governor.
- 18 John Connor's deposition.  
Petition of the inhabitants of the town of Bristol.  
———of Samuel Tucker, and others.
- 19 Governor's Message to both branches of the Legislature, dated January 29, 1811.



*Gentlemen of the Senate, and  
Gentlemen of the House of Representatives.*

A DIVISION Court Martial, in August and September last, was holden at Charlestown, for the trial of Ensign John H. Brown, upon the complaint of Capt. Lot Pool; and *reported* their decision that the former "be honourably acquitted, of all and singular, the charges and specifications of charges, exhibited against him, conformable to the complaint" of the latter; which report was approved by Major General J. B. Varnum. Afterwards, I received a petition from members of a company, in behalf of Ensign Brown, stating, that notwithstanding his honourable acquittal, he was again arrested, for refusing to obey the orders of the said Capt. Pool; who was charged with having illegally and unconstitutionally obtained his election, and commission of captain. I then instituted a Board of Officers, to report a state of facts, and their opinion on this subject, the proceedings of the board, and the relative documents numbered

from one to six inclusively, will be laid by the Secretary before the legislature; in order to bring this matter to such an issue as shall be conformable to law and the constitution of the Commonwealth.

The provision in the 32d section of the militia code, for calling Boards of Officers, appears to be well adapted to a mild adjustment of disputes, between officers in general; but such boards are not authorised to summon witnesses, and to require their testimony, which is often necessary to establish facts.

The 14th section of the militia law by which a battalion of two or three companies of Artillery is entitled to a Major, and a regiment of four companies to a Lieutenant Colonel Commandant, admits of doubts, whether is the last case there shall be two Majors, or but one elected; and the same doubts exist in regard to the cavalry. The documents on this subject are numbered 7, 8, 9.

The 8th section of the militia law of the United States provides "that when two commissions, of officers of the same grade, bear equal dates, their rank shall be determined by lot; but by the 12th section of our militia law, an additional provision is made, by which former pretensions of some commissions may decide the rank." That the latter is constitutional, the law has determined, until it shall appear otherwise to the Legislature of this Commonwealth, or of the United States, although some express doubts on the subject. But still a question arises, in regard to the expediency of the measure which makes a rule, that before was clear, quite indefinite; and thus multiplies disputes amongst militia officers. To elucidate this point, the Secretary will lay before the legislature a report, No. 10, of the same Board of Officers in regard to the interfering claims for rank, of captains Hyde and Edmands, by which it will appear, that five members constituting the board, had three different opinions on this subject.

The Secretary will also deliver the accounts of the late Treasurer and Receiver General, with their final adjustment, and a regular transfer of the books and property then in the Treasury, to the present Treasurer, agreeably to a resolve of the legislature, the whole being contained in a book and in two documents marked A, B.

F. GERRY.

*Council Chamber, February 4, 1811.*

*Gentlemen of the Senate, and  
Gentlemen of the House of Representatives.*

HUMANITY, the characteristick of a brave people, and the prominent trait of our pious ancestors, has in all their conflicts been extended to civilized, and even to savage foes; and free exercise of that endearing virtue, has been claimed, as a birth right, by their descendents. The remnants of the Indian tribes, within the jurisdiction of this Commonwealth, by the extraordinary reduction of their members, and by the vast increase of our own, will be ever too feeble to raise their hands against us. They are prostrate, and dependent on our beneficence and generosity. As the children of the Great Parent of the universe, the Omnipotent Creator of *them*, as well as of ourselves, the Government of this Commonwealth and the United States, have manifested a laudable disposition to ameliorate the condition of unfortunates of this description; to cultivate their minds by civil, moral, and religious instruction; to introduce them to the knowledge and practice of agriculture, and of such manufactures as are best suited to their circumstances; and thus to enable them, honestly, to clothe and subsist themselves and their families, and promote their common welfare. In this spirit, the Rev. Mr. Jenks of Bath has addressed to me a letter, which the Secretary will lay before the Legislature, containing propositions pointed to the objects mentioned, and communicating the substance of a correspondence, with the Rev. Mr. Sawyer of Bangor, our missionary in that quarter, on this subject. A minor consideration, although an important one, may prompt the discharge of this duty, it will eventually save to the republic, those annual grants demanded by charity, and thus become a measure of economy.

E. GERRY.

*Council Chamber, February, 15, 1811.*

# RESOLVES.

January 28, 1811.

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## XXXVII.

*Resolve establishing the pay of the Council and Legislature.  
January 28, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to each member of the Council, Senate, and House of Representatives, two dollars, per day, for each day's attendance the present session, and the like sum for every ten miles travel from their respective places of abode to the place of the sitting of the General Court.

*And be it further Resolved*, That there be paid to the President of the Senate and Speaker of the House of Representatives, two dollars per day for each and every day's attendance, over and above their pay as members.

## XXXVIII.

*Resolve granting Jacob Kuhn \$300 to purchase fuel, &c.  
January 28, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to Jacob Kuhn, Messenger of the General Court, the sum of three hundred dollars, to enable him to pay for fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council's chamber, the Secretary's and Treasurer's offices; he to be accountable for the expenditure of the same.

## XXXIX.

*Resolve on the Petition of John Lowell Esq. Executor of the Will of Anna Cabot Lowell deceased. January 29, 1811.*

Whereas John Lowell, sole acting executor of the last Will and Testament of Anna Cabot Lowell, late of Boston, deceased, hath represented, that there are great difficulties in executing the trusts created by said Will, and it appears to be necessary that the Legislature should interfere in order to carry into effect the benevolent intentions of the Testatrix, and it being manifest that the rights of no person will be injured by such interference, therefore

*Resolved*, That the said Executor be, and he hereby is fully authorized and empowered to pay over, deliver, and transfer unto the Massachusetts Congregational Charitable Society all the money, stock, and other securities which shall remain in his hands after the payment of the debts, funeral expences, expences of administration, and specific legacies bequeathed by said will, and the receipt of the Treasurer of the said Corporation therefor shall be a good discharge to the said Executor in his settlement in the Court of Probate. And the said Massachusetts Congregational Charitable Society are hereby authorized to take, receive and hold the said money, securities and stock and to manage the same in such way and manner as may to them seem expedient, and they are hereby authorized and held to pay the several annuities created by said will, the sum bequeathed to the Botanical Institution at Cambridge, and to apply the income of the residue of said property to the charitable uses set forth in said will, conformably to the true intentions of the Testatrix.

## XL.

*Resolve on the petition of John Livingston, discharging him from Prison. 30th January 1811.*

On the petition of John Livingston, shewing that ever since the twenty first day of September last, he has been confined in the goal in the county of Suffolk by virtue of an Execution in favour of this Commonwealth, obtained against the said Livingston by reason of his recognizing before William Wetmore Esq. for the appearance of one James Converse, to the Municipal



Court in the town of Boston, and that he is very poor, and he is now supported by the town of Boston in prison.

*Resolved*, That the amount of said Execution, being two hundred thirteen dollars and seventy three cents, be, and the same hereby is remitted to the said Livingston, and that the Sheriff of the county of Suffolk be, and he hereby is directed to discharge the said Livingston from imprisonment, provided he be not there confined for any cause other than the Execution aforesaid.

## XLI.

*Resolve on the petition of Peter Thacher, administrator of the Estate of Edward Gray Esq. deceased. January 30, 1811.*

On the petition of Peter Thacher, of Boston in the county of Suffolk and Commonwealth of Massachusetts, Esquire, administrator of the goods and estate of Edward Gray, late of Boston aforesaid, Esquire, deceased, intestate.

Whereas the said Peter Thacher in and by his said petition hath represented, that on the twenty-seventh day of September in the year of our Lord one thousand eight hundred and nine, Peter C. Brooks of said Boston, Esquire, Isaiah Thomas of Worcester in the county of Worcester, Ebenezer T. Andrews of Boston aforesaid, booksellers, and Samuel Etheridge of Charlestown in the county of Middlesex, and Eiam Bliss of Boston aforesaid, booksellers, by their several deeds, of that date, conveyed to said Edward Gray, who was then in full life, their several and respective right, title and interest in and to a certain piece of land situate at the westerly part of Boston, aforesaid, and bounded as follows, viz. southerly on land of Beza Tucker and David West, there measuring one hundred and fifty-five feet, more or less, westerly on Allen's high way, so called, there measuring one hundred and twenty six feet, more or less, northerly on land formerly of Nathaniel Cunningham, deceased, there measuring one hundred and thirty-four feet, more or less, and easterly on Leverett street, there measuring one hundred and sixty-eight feet, more or less, with all the privileges and appurtenances to the said described premises belonging, and that in and by a certain deed of indenture, of that date, by and between the said, Edward Gray of the first part, Peter C. Brooks, aforesaid of the second part, the said Isaiah Thomas and Ebenezer T. Andrews of the third part, and the aforesaid Samuel Eth-

eridge and Elam Bliss of the fourth part, it was declared and agreed by and between all the said parties to the same, that the estate aforesaid was so conveyed to said Gray upon the trusts and for the purposes following, that is to say, that the said Gray should as soon as might be by a good and sufficient deed with warranty only against himself, and all persons claiming under him, sell and convey the whole of said estate for the best price he could, and on such terms of credit as are reasonable and usual in such cases, and after deducting out of the proceeds of such sale all reasonable and necessary charges attending the same, that he should apply and pay over all the residue thereof, and also all such sums as he should receive for rent of the premises prior to the sale, in manner following, to wit, first to said Brooks the sum of ten thousand dollars, with lawful interest therefor from the third day of July preceeding the date of the said indenture, and until the same should be paid, if the amount remaining in the hands of said Gray should be sufficient therefor, and if not, then to pay to said Brooks the whole amount that should so remain. Secondly, if there should be any surplus after such payment to said Brooks, then to pay to said Thomas and Andrews, the sum of eleven thousand and five hundred dollars, with lawful interest therefor from the fifth day of September preceeding the date of the said indenture and until the same should be paid, if the amount of said surplus should be sufficient therefor, and if not, then to pay to said Thomas and Andrews the whole of said surplus, and lastly, if there should be any residue after such second payment, then to pay the whole of such residue to said Etheridge and Bliss.

And the said Peter Thacher hath in his said petition prayed, that he might be authorized in his said capacity to execute the trust mentioned in the said deed of indenture. *Therefore resolved*, that the said Peter Thacher be authorized, and he is hereby authorized in his said capacity, to sell the real estate aforesaid, and to make and execute such conveyance, or conveyances, to any person or persons, who may purchase the same, as the said Gray would by his covenant aforesaid be obliged to make and execute, in case he were living at the time of such sale, and also to apply the proceeds of such sale, after deducting all reasonable costs and charges attending the same, to the purposes mentioned and prescribed in the said indenture.

## XLII.

*Resolve on the petition of Joseph Farrar and Luther Perry, remitting to each, \$200 of their recognizance. February 4, 1811.*

On the petition of Joseph Farrar and Luther Perry, against whom several judgments have been rendered in the Supreme Judicial Court, holden in Worcester, in the county of Worcester, on the fourth Tuesday of September last, for four hundred dollars each on their recognizance for the appearance of John Farrar; the said John having been ordered by the Court to recognize in the sum of four hundred dollars, with sufficient surety or sureties in the like sum, and the said sureties having been held to recognize in the sum of four hundred dollars each by mistake of the magistrate appointed to take said recognizance.

*Resolved*, That the Attorney General and Solicitor General, or either of them, be, and are hereby authorized and required to enter a remittetur of two hundred dollars on each of said judgments.

## XLIII.

*Resolve on the petition of Josiah Bartlett, administrator of the estate of Samuel Bradstreet. February 4, 1811.*

Whereas Josiah Bartlett of Charlestown in the county of Middlesex, as administrator on the estate of Samuel Bradstreet of said Charlestown, deceased, who was one of the executors of Richard Cary of the same Charlestown, deceased,—Has represented to the General Court that he is in possession of a Massachusetts State note, No. 4614, for the sum of three thousand four hundred and seventy three dollars and four cents dated May 4, 1800, payable to said Richard Cary or bearer, and bearing interest at five per cent per annum, of which interest no part has been received;—And the said Bartlett having further represented that the said State note belongs to the heirs of Dennis De Bert of London, deceased,—to whose executors the said Cary was agent, but that several years have elapsed since any information has been received by said Bradstreet concerning said note, and it is uncertain who are the proper persons to demand the same; and that he wishes, in order that he, as administrator aforesaid, may be relieved from

any further care of said note, to have it lodged with the Treasurer of the Commonwealth, subject to the demand of those to whom it may belong.

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby directed to receive the said note from the said Bartlett, agreeably to the prayer of his petition, and for the purposes therein expressed,—and the same to keep, subject to the future order of the legislature; and the Treasurer is hereby authorised to give to said Bartlett a receipt for the same.

#### XLIV.

*Resolve confirming the votes, &c. of the Congregational Precinct in Rochester, Middleboro' and Freetown. February 4, 1811.*

On the petition of the inhabitants of the Congregational Precinct in Rochester, Middleborough and Freetown.

*Resolved by the Senate and House of Representatives in General Court assembled*, That all the votes and proceedings of the inhabitants of said precinct, at their annual meeting for the choice of precinct officers for the year one thousand eight hundred and nine, are hereby confirmed and rendered valid to every intent and purpose thereof, any neglect of the clerk of said precinct or defect of records to the contrary notwithstanding.

#### XLV.

*Resolve granting the President and Trustees of Williams College further time to locate land granted by the State. February 4, 1811.*

On the petition of Daniel Dewey in behalf of the President and Corporation of Williams College, praying a further extension of the time of locating a township of land in the district of Maine, granted to said corporation by a resolve of the twentieth day of February 1809.

*Resolved*, That the President and Trustees of Williams' College or their assigns, have leave to locate said township granted by said resolve, at any time within three years next after the said term of three years in said resolve mentioned, any thing in said resolve to the contrary notwithstanding.

## XLVI.

*Resolve on granting half a township of land to aid the inhabitants of Taunton and Raynham in improving the navigation of Taunton River. February 4, 1811.*

On the petitions of the inhabitants of the towns of Taunton and Raynham, praying for legislative aid for the purpose of improving and extending the navigation on Taunton Great River, from Rocky Point in Berkley, to Williams' landing in Taunton.

*Resolved*, For reasons set forth in said petitions, that there be and hereby is granted to the said towns of Taunton and Raynham, for the purpose aforesaid, one half of a township of land six miles square, to be laid out and assigned to them by the agents for the sale of eastern lands, out of any of the unappropriated lands in the district of Maine, with the usual reservations and restrictions, excepting the ten townships of land on Penobscot river purchased of the Indians.—*Provided however*, That the towns of Taunton and Raynham shall within two years from the passing this resolve, raise and appropriate two thousand dollars in addition to the above grant, the whole to be applied and laid out under the direction of an agent or agents to be appointed by his Excellency the Governor.—*Provided also*, That the said towns of Taunton and Raynham shall cause the said half township to be surveyed and located, and a plan thereof, returned into the land office within the term of three years.

## XLVII.

*Resolve on the petition of Benjamin Parsons, guardian to John H. Gray, a minor. February 6, 1811.*

On the petition of Benjamin Parsons of Boston, Esquire, guardian to John Henry Gray, a minor, praying that he may be empowered and authorized to convey to Israel Thorndike, Esquire, a small piece of land, being part and parcel of the said minor's real estate situate in Boston aforesaid.

*Resolved*, For reasons set forth in the said petition, that the said Parsons, in his said capacity, be authorized and empowered, to convey to the said Thorndike, his heirs and assigns, in fee simple, by good and sufficient deed, all the said minor's right

and interest, in the said piece of land, bounded as follows, viz. westerly on land of the said minor, twenty-four feet northerly on a passage-way back of Franklin place (so called) thirty nine feet, easterly on land owned in common, by George Blake, Esquire, and others, thirty-one feet, and southerly on said Thorndike's land, forty-five feet; *Provided however*, That the said Thorndike shall, in consideration of the said conveyance to him, by good and sufficient deed, or other legal instrument for that purpose, secure to the said minor, his heirs and assigns, and all other persons interested in said estate, a right to hold and enjoy for ever hereafter, in common with the said Thorndike his heirs and assigns, a free and open passage way six feet wide, on land of said Thorndike, and between his estate, and the estate of the said minor, and leading from Summer street, so called, to the before mentioned passage-way, in the rear of Franklin place, to be constantly kept open for the mutual accommodation and convenience of all parties interested therein.

## XLVIII.

*Resolve on the Memorials of Perez Morton, Esq. and Daniel Davis, Esquire. February 7, 1811.*

*Resolved*, That there be allowed and paid out of the Public Treasury to Perez Morton, Esq. Attorney General, and to Daniel Davis, Esq. Solicitor General, the sum of eight hundred dollars each, in addition to their salary established by law, which shall be in full for their services and salary to the first day of March 1811.

## XLIX.

*Resolve for paying the Commissioners appointed to explore and lay out a road from Kennebeck to the River Chaudiere. February 7, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to Charles Turner, jun. of Scituate, John Merrick of Hallowell, and James Stackpole, jun. of Waterville, appointed Commissioners to explore and lay out a road from the Kennebeck river to the river Chaudiere, sixty-eight dollars and ninety-four cents, balance due them by their account of expenses.

*And be it further resolved,* That there be allowed and paid to Charles Turner, jun. two hundred and eighty-three dollars and thirty five cents, to John Merrick, one hundred and eighty dollars, and to James Stackpole, jun. one hundred and seventy-three dollars, in full for their services in exploring and surveying said road.

## L.

*Resolve granting ten thousand and twenty acres of land to Farmington Academy. February 8, 1811.*

*Resolved,* That there be, and hereby is, granted unto the Trustees of Farmington Academy, for the use and benefit of said Academy, ten thousand and twenty acres of land out of any of the unappropriated lands of this Commonwealth, in the district of Maine, (except the ten townships on Penobscot river purchased of the Indians, and excepting also the land contracted to be sold to Jackson and Flint, and which contract is now rescinded,) said ten thousand and twenty acres to be laid out under the direction of the Commonwealth's agents upon the subject of Eastern lands. *Provided however,* That the agents aforesaid shall not proceed to lay out and assign the same until said Trustees shall lodge in the Secretary's office a certified list of the subscriptions and donations which have been made and secured to said academy, and which shall amount to the sum of three thousand dollars, exclusive of the expenses necessarily incurred in erecting and finishing the buildings necessary for the accommodation of said academy, within two years from the passing of this resolve.

## LI.

*Resolve allowing, \$50 for the Gentlemen who shall preach the next Election Sermon. February 8, 1811.*

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth, the sum of fifty dollars to the Clergyman who shall preach the Election Sermon on the last Wednesday of May next. And that his Excellency the Governor be requested to draw a warrant on the the Treasury of this Commonwealth for the same sum accordingly.

## LII.

*Resolve granting, \$500 to aid the building of a Gaol at Eastport.  
February 8, 1811.*

On the petition of Theodore Lincoln and others, praying for the aid of the Commonwealth to erect a Gaol at Eastport in the County of Washington.

*Resolved*, for reasons set forth in said petition, that there be allowed and paid out of the Treasury of this Commonwealth to Theodore Lincoln, John Brewer, Oliver Shead, John Burgin, and Aaron Hayden, a committee appointed by the Court of Common Pleas for the county of Washington to erect a Gaol at Eastport, the sum of five hundred dollars, they first giving bonds to the Treasurer of the said county in double the sum, with condition that the said five hundred dollars shall be faithfully applied for the purpose of erecting said Gaol.

## LIII.

*Resolve on the petition of James Bell and William Crawford relinquishing the Commonwealth's right to a certain farm in Rutland. February 11, 1811.*

On the petition of James Bell and William Crawford of Oakham in the county of Worcester, praying that the Commonwealth would release and quitclaim to them and their heirs as tenants in common, all the right, title and interest which the Commonwealth have or may have in and to a small farm situated in the town of Rutland in said county, containing about forty acres, with a dwelling house thereon, formerly owned by their ancestor and uncle Samuel Crawford, a native of Ireland, and late of said Rutland, and by him devised to Margaret Crawford, his wife, who deceased in the year 1774 ; and leaving no heirs at law to inherit said estate ; and the said James Bell and William Crawford being next of kin and heirs at law of the said Samuel Crawford.

*Resolved*, for reasons set forth in said petition that the Commonwealth do hereby release and forever quitclaim to the said James Bell and William Crawford, their heirs and assigns as tenants in common, all the right, title and interest which the Commonwealth have or may have in the aforesaid premises or farm. *Provided however*, that nothing in the foregoing



resolve shall in any manner affect the claims of any person or persons who may be heirs at law to the estate of the said Margaret Crawford, deceased.

## LIV.

*Resolve for an Extra Session of the Common Pleas for the County of Plymouth to settle the Treasurer's accounts, and to make an estimate for a Tax. February 11, 1811.*

Whereas by the petition and representation of the Court of Common Pleas, for the county of Plymouth, it appears expedient, that a special session of said court should be held, for the purpose of making an estimate for a Tax for said county—therefore,

*Resolved*, That a Court of Common Pleas, within and for the county of Plymouth, be held at Plymouth on Tuesday the nineteenth day of February instant, at ten of the clock in the forenoon, by the Justices of the said court, for said county, for the special purpose of settling the accounts, of the treasurer of said county, and making an estimate for a County Tax; and that whatever shall be done by the same court, as to such settlement and estimate, shall be as good and valid in law, as if done at any regular term of said court.

## LV.

*Resolve confirming the proceedings of the Methodist Society in the first parish in Lynn. February 11, 1811.*

On the petition of the Methodist Society in the first parish in Lynn, stating that warrants by which the meetings of said incorporation have been heretofore called, have by inadvertance and mistake only been signed by the clerk of said incorporation.

*Resolved*, That all warrants heretofore signed by the clerk of said incorporation, and all proceedings of the legal voters of said incorporation, which have been had in pursuance of said warrants, be and hereby are rendered good and valid, and are hereby ratified and confirmed, as though said warrants had been signed by the assessors.

## LVI.

*Resolve on the petition of Samuel Freeman, Clerk of the Supreme Judicial Court for the County of Cumberland, making valid certain executions and writs of possession. February 11, 1811.*

On the petition of Samuel Freeman, Clerk of the Supreme Judicial Court in the county of Cumberland.

*Resolved*, That all executions and writs of possession that have issued on judgments rendered in the Supreme Judicial Court in the county of Cumberland since the year of our Lord one thousand seven hundred and ninety-nine, and all alias and pluries executions after the return thereof, in whole or in part unsatisfied, and all the regular doings and returns of executive officers thereon according to the precepts in them contained, although the said executions have been made returnable at certain days, be and are hereby confirmed and made valid in law to all intents and purposes, as if the same had been made returnable to the next succeeding court according to law.

## LVII.

*Resolve on the petition of Joseph Prime of Berwick. February 11, 1811.*

On the petition of Joseph Prime, stating that in consequence of certain inaccuracies in the description of a certain road laid through his land, he has lost the benefit of the damages awarded him by a committee agreed upon by him and the town of Sanford, and praying for liberty to apply for a jury to estimate the damages done him.

*Resolved*, for reasons set forth in said petition, That Joseph Prime of Berwick in the county of York, be, and hereby is authorized to make application to the Court of Common Pleas next to be holden at York, in and for the county of York, for a Jury to estimate the damages he has sustained, by the laying out a road through his land, which road begins about sixty rods northerly of Eliot Frost's dwelling house in Sanford in said county, and coming out near the Province Mill (so called,) which road was established by the Court of Sessions in said county, August term, one thousand eight hundred and four, and said Court of Common Pleas are hereby authorized to sustain

the said application and grant the same in the same manner the said court, or Court of Sessions then existing might have done, had those inaccuracies not been made, and application been made, within the time prescribed by law; and the Jury to be appointed, shall have the same power, that any Jury or committee seasonably appointed by said court might lawfully have had.

## LVIII.

*Resolve directing the Secretary to deliver to the Reporter of the Decisions of the Supreme Judicial Court, the Laws and Resolves of this Commonwealth. February 12, 1811.*

*Resolved*, That the Secretary of this Commonwealth be directed to deliver to the Reporter of the Decisions of the Supreme Judicial Court, one set of the perpetual Laws of this Commonwealth, and one set of the special Laws of this Commonwealth; each contained in three bound volumes: And that the Secretary be directed to deliver to said Reporter, one copy of the several Acts and Resolves as they have been printed from time to time since the passage of those contained in the said bound volumes, and that the Reporter be entitled to one copy of the Laws and Resolves hereafter to be published, in the same manner as they are delivered to the Attorney and Solicitor General from time to time.

## LIX.

*Resolve for paying Josiah Wheeler for repairs on the Province House, so called. February 12, 1811.*

Whereas the Secretary and Treasurer of the Commonwealth have represented to the Legislature, that after the adjournment of the General Court in June last, it was found that the Province House, so called, was without a tenant, and going to ruin, and that no provision had been made by law, authorizing any person to superintend or repair the same,—that the property of the Commonwealth being thus situated, his Excellency the Governor, with the advice of the Council, ordered the Secretary and Treasurer to make certain repairs in said house, and tenant the same, which they did, by their agent, Josiah Wheeler. Therefore,

*Resolved*, That there be allowed and paid out of the Treasury to the said Josiah Wheeler, the sum of two hundred and sixty-

five dollars and sixty-seven cents, in full for his bill for the service aforesaid, and that the Governor be requested to draw his warrant on the Treasurer for the same.

# LX.

*Resolve on the petition of Caleb Gannett and John Mellen guardians of certain minor children, authorizing them to sell lands. February 14, 1811.*

On the petition of Caleb Gannett and John Mellen, guardians of their minor children respectively, viz. of Elizabeth Latham Gannett and John Wendell Mellen, praying that they may be authorized to sell the portions which their wards own in certain lands lying in various parts of this Commonwealth, and which they hold in common and undivided with Catharine Wendell, Catharine Brattle Bescom, John Mico Gannett, Thomas Brattle Gannett Sophia Williams, and Catharine Saltonstall Mellen.

*Resolved*, for reasons set forth in their petition, That the petitioners aforesaid be authorized and empowered to sell the proportions belonging to their wards, in any or all of the lands hereafter described, by auction or otherwise, as they shall judge most for the interest of said wards, and to make and execute good and sufficient deeds of the same, viz. Seven thirty-six parts, being the proportion of said minors, of five hundred and sixty-five acres, by estimation, lying in Belcherton in the county of Hampshire, bounded south and east on Swift river, north on land of Samuel Lamman and the heirs of William Walter; west on land of James Whitman and Abner Cowls. Also of a lot of land in said Belcherton, containing by estimation, twenty-five acres, bounded on lands of Eldad Parsons and Elijah Dwight, Esq. and the road leading from Belcherton to Springfield. Also of about fifteen acres, in Gardner, in the county of Worcester, lying on the west line of said town, and is No. 91, fourth division. Also of about thirty-seven acres in the north-east part of Ashby in the county of Middlesex, lying in common with land belonging to the heirs of the late Andrew Oliver, Esq. of Salem. Also of about two thousand acres in the town of Fairfax in the county of Kennebeck, lately assigned by the Plymouth Company as an equivalent for omissions of the right of the late William Brattle, Esq. in several divisions previously made by said company. Also of lot No. 64, estimated at one hundred and nineteen acres, in Palermo in the county of Lincoln; and of lot No. 61, in

Rome, estimated at one hundred and eighty-five acres; the two last being assigned to the right of said William Brattle in the last division made by said company. Also of one fourth part of sundry lots in the tract lately belonging to the Lincolnshire Company, so called, lying in common with the heirs of John King, heretofore of Taunton, deceased, and the heirs of the Hon. Andrew Oliver, Esq. late of Salem, deceased, viz. No. 13, in the lower part of Camden in the county of Lincoln, containing about one hundred acres, and No. 48, containing about one hundred and fifteen acres; No. 20, on the north part of the island, called Meduncook or Long Island, about one hundred acres; No. 13 and No. 61, each containing about one hundred acres, in the upper part of said Camden. In the town of Hope, No. 49 and No. 112, laid out for one hundred sixty-eight acres each. Lot B, containing about twenty-three acres, and lot C, forty-six acres, on Appleton Ridge, so called. Also of one fourth part of range No. 16, in the first great division of the upper part of the aforesaid tract; said range containing about twelve hundred and forty acres. And range No. 16, in the second great division of said upper part of the tract aforesaid; said range containing about one thousand and ten acres. Also that the petitioners be further authorized to sell and convey as aforesaid all the right of their said wards in certain lands, on the southwest side of, and adjoining Saco river, and lying partly in the towns of Biddeford and Arundel in the county of York, and supposed to contain about twelve hundred and fifty acres, which right is not more particularly defined, as partition of these lands has been as yet but partially made, between the heirs of William Brattle aforesaid and several other owners. *Provided*, that the petitioners give bond to the Judge of Probate for the county of Middlesex to his satisfaction, that they will faithfully appropriate the proceeds of any sales which they make of the proportions of their wards in the lands aforesaid, to the sole use and benefit of said wards respectively.

## LXI.

*Resolve on the petition of Charlemont, Heath, and Rowe, for aid in building a Bridge over Deerfield River. February 14, 1811.*

Upon the petition of the inhabitants of the towns of Charlemont, Heath, and Rowe, praying for aid in building and main-

joining a bridge across Deerfield river, between the towns of Charlemont and Buckland.

*Resolved*, for reasons set forth in said petition, That the Justices of the Court of Common Pleas, for the county of Hampshire, are hereby authorized from time to time, if they think it necessary and proper, to insert in their estimate for a County Tax, such sum or sums of money as may be thought necessary by them for defraying such a part or proportion of the expense of building and maintaining said bridge for and during the term of ten years, to order payment of the same, out of the county treasury, whenever they shall deem it necessary—and to appoint an agent or agents to superintend the expenditure thereof.

## LXII.

*Resolve directing the Secretary to purchase and distribute to the several towns, the Reports of Decisions in the Supreme Judicial Court. February 14, 1811.*

*Resolved*, That the Secretary of this Commonwealth be directed to purchase five hundred and fifty sets of all the volumes which have already been published, of cases argued and determined in the Supreme Judicial Court of this Commonwealth, and the like number of all the volumes which shall hereafter be published, when the same are ready for delivery ; provided he can obtain the same, well bound and lettered, at a price not exceeding two dollars a volume. And whenever the whole number of any one volume shall be received into his office, he is directed to transmit one copy to the clerk of each town, district, and unincorporated plantation which has been required to assess taxes upon themselves towards the support of government, for the use of their respective inhabitants, and to lay his account before the governor, who is hereby requested to draw his warrant on the treasurer for the payment thereof.

## LXIII.

*Resolve on the petition of James Carr and others, appointing commissioners to lay out a road from Penobscot river to the north boundary of the State. February 14, 1811.*

The Committee of both Houses, to whom was referred the petition of James Carr and others praying that commissioners

might be appointed to explore and mark out a road from the tide waters of the river Penobscot in a direction to Quebec, having considered the same, ask leave to report the following resolves, which are submitted.

ISRAEL THORNDIKE, *per order.*

Whereas the laying out a road from the tide waters of Penobscot river, over the lands of the Commonwealth to the north boundary thereof, in a direction to the nearest settlement on the river Chaudiere, for the purpose of opening a communication with Quebec, on the river St. Lawrence, would be of great public utility. Therefore,

*Resolved*, That John Davis of the plantation of Jackson, Isaac Wilkins of Brownville, and Seth Kempton of Hampden, Esquires, be, and they hereby are appointed commissioners for the purpose of exploring and laying out a road four rods wide, in the most convenient and direct route from Penobscot river aforesaid, to the north boundary of this Commonwealth in a direction to the nearest settlements on the river Chaudiere, and said commissioners shall have full power and authority to begin at such place at or near the Penobscot river, in the county of Hancock, as they may think proper, and from thence, to explore and lay out a road, four rods wide, in the direction aforesaid, and to return a correct plan thereof to the agents for the sale of eastern lands, as soon as they have completed the same, with a particular description of said road.

And said commissioners are hereby authorized to employ such surveyor, and other assistants, as they may find necessary to effect the purposes aforesaid, and to lay their accounts before the General Court for allowance.

*Resolved*, That there be granted to said commissioners, five hundred dollars to enable them to carry into effect the foregoing resolve, they to be accountable for the faithful expenditure thereof: and the Governor is requested to draw his warrant on the treasurer for the same.

LXIV.

*Resolve directing ten Townships to be surveyed so that the road laid out by Charles Turner, jun. Esquire, in 1807, may run through said Townships. February 14, 1811.*

The Committee of both Houses, to whom referred the petition of Nathaniel Ingersoll and others, praying for the aid of this Le-

gislation in laying out and opening a road from the head of Penobscot river to the river St. Johns, ask leave to report the following resolve,—which is submitted.

ELIJAH BRIGHAM, *per order*.

*Resolved*, for reasons set forth in said petition, That the agents for the sale of eastern lands be, and they hereby are authorized, to survey, or cause to be surveyed, ten townships of land, to be so laid out as that the road run out by Charles Turner, jun. Esq. in the year 1807, (a plan of which is returned into the land office,) may run through said townships, the said townships to extend from the north line of William Bingham's land, to the half township granted to Westford Academy, in order to provide for opening said road, the agents aforesaid, are authorized and directed to advertise in the several newspapers printed in the town of Boston, that they are ready to receive proposals to effect the opening of said road, from any person or persons disposed to do the same, the contractors agreeing to fell the trees and make the necessary bridges and causeways, and clear and make the road, of suitable width and convenient for travelling, for which the said agents are authorized to convey to the contractors, in payment for said road, a proportion of said townships, not exceeding one quarter of each township, to be located under the direction of said agents. *Provided*, that the said contractors shall be obliged to produce satisfactory evidence to the agents aforesaid, that they have completed said road agreeable to their contracts.

## LXV.

*Resolve on the petition of Moses Brown, allowing further time to settle Township No. 5, eighth range, North of the Waldo Patent. February 16, 1811.*

On the petition of Moses Brown—*Resolved*, for reasons set forth in said petition, That the further time of two years from the first day of June next, be allowed to Moses Brown, his heirs and assigns, owner of township number five, in the eighth range of townships north of the Waldo patent, to complete the settlement of forty families, in said township. And if the said Brown, his heirs or assigns, shall settle within said time, the said number of families (including those already settled) on said township—that then the estate and right of said Brown his heirs and assigns, shall be valid full and effectual to all intents and purposes, as if the conditions of settlement, expressed in



the original deed given of the said township, by the committee appointed by the General Court, to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with. *Provided nevertheless*, that the said Brown, his heirs, or assigns, shall on or before the first day of December next, give bond to this Commonwealth, with sufficient surety or sureties, to the satisfaction of the agent for the sale of Eastern lands, conditioned that the number of families required in said original deed to be settled on said township, shall within the said term of two years be settled thereon, or for the payment of thirty dollars for each family which shall then be deficient.

## LXVI.

*Resolve on the petition of John Leverett, of Windsor, State of Vermont, authorizing him to sell certain lands in Boston. February 16, 1811.*

On the petition of John Leverett, of Windsor, in the county of Windsor and State of Vermont, Esquire, parent of John Leverett, Thomas Leverett, and Hannah Leverett, minors and children of him the said John; praying that he, the said John, may be licensed to sell to the inhabitants of the town of Boston, within the county of Suffolk, and Commonwealth of Massachusetts, for a certain price mentioned in said petition, and agreed upon by the said John and said inhabitants, *two undivided forty-fifth parts and forty-two undivided forty-fifth parts of one forty-fifth part* of two certain pieces of land, situated in said town of Boston, now in the occupation and possession of the inhabitants thereof; which shares and proportions of said two tracts of land aforesaid, descended to said minors, as heirs to their deceased mother, Hannah Leverett, late wife of the said John. Said tracts of land are described as follows, viz. one piece, containing in the whole, about one quarter of an acre, bounds southerly on Leverett street, south-easterly on land purchased by the said inhabitants of Boston, of one William Phillips, and now in their possession, north-easterly on Charles River, at low water mark, and north-westerly on land purchased by said inhabitants of one Samuel Brown. The other piece being forty feet long and twenty feet wide, and parallel with Leverett street, and one hundred and ten feet distant from it, bounds on all sides by land belonging to said inhabitants of Boston, and is situated easterly of the other piece before described.

*Resolved*, for reasons set forth in said petition, That the said John Leverett, parent of said minors, be, and he hereby is authorized, to sell, and convey to the said inhabitants of said town of Boston, and to execute, and deliver to them, a good and valid deed, conveying to them and to their successors, all the right, title, interest and shares of the said John's three children aforesaid, in and to said two undivided pieces or tracts of land aforesaid, on his receiving of them the sum of money before mentioned, and agreed upon.

## LXVII.

*Resolve directing the Quarter Master General, to sell at Public Auction, all broken and damaged Ordnance, the property of this Commonwealth. February 16, 1811.*

*Resolved*, That the Quarter Master General be, and he is hereby directed to sell at public auction, all such broken, or otherwise damaged ordnance belonging to this Commonwealth, and under his care, as is thereby rendered unfit for use; first giving thirty days notice of the time and place of sale in two of the public newspapers printed in Boston, and he to be accountable for, and pay over to the treasurer of this Commonwealth, within ninety days next after the sale, the proceeds thereof, after deducting therefrom all proper expenses attending the same.

## LXVIII.

*Resolve confirming the doings of the Treasurer and Clerk of the Essex Turnpike Corporation. February 16, 1811.*

On the petition of Ebenezer Beckford, and others.

*Resolved*, That the doings of Amos Blanchard, clerk of the Essex Turnpike Corporation, and also the doings of Samuel Farrar, treasurer of said corporation, be, and the same hereby are ratified and confirmed, and rendered as valid in law to all intents and purposes, as though said Blanchard and Farrar had taken the oaths required by law, before a disinterested magistrate previous to their entering on the duties of said offices, and the books of said treasurer and clerk are hereby rendered valid for all purposes, for which the books of said clerk and treasurer might have been used, provided they had previous

to entering on their offices, taken the oaths required by law before a disinterested magistrate. *Provided nevertheless*, that nothing herein contained shall be construed to affect any suits now pending in any courts in this Commonwealth, or which may hereafter be brought or renewed by said corporation, against any person or persons, upon any cause of action which is now pending in any such court.

## LXIX.

*Resolve on the petitions of Isaac Davis and David Murphy.  
February 16, 1811.*

On the petitions of Isaac Davis and David Murphy, praying for some remuneration for their losses of property, sustained in consequence of their aiding and assisting in the survey of lands for the Kennebeck purchase.

*Resolved*, for reasons set forth in said petitions, That there be granted and paid out of the treasury of this Commonwealth, to the said Isaac Davis, one hundred and thirty dollars, and to the said David Murphy, one hundred and eighty dollars; and his Excellency the Governor, with the advice of the council, is hereby requested to issue a warrant on the treasury for the payment of the said sums respectively, to each of the petitioners aforesaid.

## LXX.

*Resolve providing for an exchange of Laws with the several States in the Union. February 16, 1811.*

*Resolved*, That the Secretary of this Commonwealth be directed to correspond with the Secretary, or other proper officer of the several States in the Union, for the purpose of procuring a present and future annual exchange of Statutes, for the use of the executive and legislative departments. And that the Secretary be directed to forward three sets of the Statutes of this Commonwealth already published, to each of the States which have not already received them, for the use of their respective governments. And also, three sets of all the Statutes which shall hereafter be published to each of the States in the union that shall agree to forward their Statutes in return.

## LXXI.

*Resolve on the petition of Jeremiah Wait, late Deputy Sheriff of Washington county, making valid his doings while in said office. February 16, 1811.*

On the petition of Jeremiah Wait, late deputy sheriff under John Cooper, Esq. sheriff of the county of Washington, praying that his doings while in said office may be confirmed and made valid; he having given bonds, and was sworn to the faithful discharge of his said office, before a magistrate who was not legally qualified to administer oaths and qualify civil officers.

*Resolved*, That all precepts, and all the regular doings and returns of writs and precepts according to the precept in them contained while he continued in said office, be, and hereby are confirmed and made valid, in the same manner as if the said Wait had been duly sworn and qualified for executing his office aforesaid, before proper officers commissioned to administer oaths, and qualify civil officers; and the same are made valid in law, to all intents and purposes, that the same would have been, if the said Wait, deputy sheriff, had been duly and legally sworn for the executing his office aforesaid.

## LXXII.

*Resolve discharging the town of Kittery of \$415, 33 State tax. February 16, 1811.*

On the petition of the selectmen and assessors of the town of Kittery, in the county of York, setting forth, that on the first day of March last, a part of said town was incorporated into a separate town by the name of Eliot, and that on the fifth day of the same month, the tax act was passed, apportioning to the town of Kittery the whole amount of tax which should have been assessed by both towns, and that a warrant from the treasurer was issued in conformity. And that the town of Kittery have assessed one half the amount of the whole tax, being their proper proportion of the same.

*Resolved*, That the town of Kittery be discharged from the sum of four hundred and fifteen dollars and thirty three cents of the State tax apportioned to them, and that the assessors of

said town be, and they are hereby authorized, to make their return of assessment of the remaining sum. And that the treasurer of this Commonwealth be directed to issue his warrant to the selectmen and assessors of the town of Eliot, authorizing and requiring them forthwith to assess upon the polls and estates of said town, the aforesaid sum of four hundred and fifteen dollars and thirty three cents, in manner as is directed in the act for apportioning and assessing the State tax, made and passed the fifth day of March last—said tax to be collected and paid to the treasurer of this Commonwealth on or before the first day of October next.

## LXXIII.

*Resolve on the petition of Preston Thayer, of Templeton, in the county of Worcester. February 18, 1811.*

On the petition of Preston Thayer, of Templeton, in the county of Worcester, praying that he may be authorized and empowered to enter an appeal from a sentence awarded against him on the first day of January last past, by Silas Cutler, one of the Justices of the Peace, for said county, for a supposed larceny in taking and carrying away one steel trap, at the Court of Common Pleas, next to be holden at Worcester, within and for said county of Worcester.

*Resolved*, for reasons set forth in said petition, That the said Preston Thayer, be, and he hereby is authorized and empowered, to enter his appeal from the sentence of the said Justice at the Court of Common Pleas, next to be holden at Worcester, within and for said county of Worcester, and the said court are hereby authorized and empowered to sustain said appeal and proceed upon the same in all respects, as it would have been lawful for them to have done, had the said Thayer claimed said appeal when said sentence was awarded against him, and had seasonably entered his appeal in the Court of Common Pleas for said county. *Provided*, the said Preston Thayer, give notice to William Fletcher of Templeton, on whose complaint said conviction was had, by serving him with an attested copy of this resolve, seven days before the next session of the said Court of Common Pleas, and shall recognize before said court, with a sufficient surety, in such sum as they shall order, to prosecute his said appeal with effect.

## LXXIV.

*Resolve on the petition of the President and Fellows of Harvard College. February 18, 1811.*

Resolve altering the appropriation of the sum of thirty thousand dollars which the President and Fellows of Harvard College were authorized to raise by lottery, by an act passed March 14, 1806.

*Resolved*, That the appropriation of the sum of thirty thousand dollars which the President and Fellows of Harvard College were authorized to raise by lottery, by virtue of an act of the Legislature of this Commonwealth, passed March 14, 1806, be so far altered, as that the said sum so raised may be, by the said President and Fellows, applied to the erection of any edifice for the accommodation of the students, on any part of the College lands in Cambridge, which the said President and Fellows, may think most eligible.

## LXXV.

*Resolve on the petition of Alexander Murray. February 20, 1811.*

On the petition of Alexander Murray, stating that he is the oldest son of John Murray, late of Rutland, in the county of Worcester, Esquire, an absentee, whose real estate was confiscated to the Commonwealth, by reason of his taking a part with the British at the commencement of the late revolutionary war, and who died in the British dominions, leaving no part of his estate to the said Alexander Murray, in consequence, as he conceives, for his having entered into the army of the United States, in which he served as a private soldier, in colonel Henry Jackson's regiment, for three years, and in which he had the misfortune to be disabled by the loss of three of his fingers of his left hand. That at the close of the said war, he was indulged by the Commonwealth in the occupancy of a small farm of about ninety-five acres, in said Rutland, which was a part of his father's estate, and which has never been sold, and on which he has erected a house, and occupied it ever since. That he is now advanced in years, and very infirm, and the buildings are out of repair, and he is not able to repair

them, and support himself and family, and praying that the Commonwealth would confirm to him and his wife, during their natural lives, the use and enjoyment of the said farm of about ninety-five acres, and at their decease, that the remainder of said estate may enure to, and be held by their son Reuben Murray, his heirs and assigns.

*Resolved*, That the said Alexander Murray and his wife, be, and hereby are confirmed in the possession, use and enjoyment of all the right, title and interest, which the Commonwealth has in and to the said farm of about ninety-five acres, situate and lying in Rutland, in the county of Worcester, for and during their natural lives, and at the decease of the said Alexander Murray and his wife, all the right, title and interest which the Commonwealth has in the said estate, shall enure to, and be held by their son Reuben Murray, his heirs and assigns.

## LXXVI.

*Resolve granting the Adjutant General \$1200, for services, &c. one year. February 20, 1811.*

The committee of both houses on the petition of William Donnison, Esq. Adjutant General, report the following resolve, which is submitted.

JOHN L. TUTTLE, *per order*.

On the petition of William Donnison, Esquire, Adjutant General, praying for additional compensation for his services in his said office.

*Resolved*, That there be, and hereby is granted, to be paid out of the public treasury of this Commonwealth to William Donnison, Esq. the sum of twelve hundred dollars, in full compensation for his services as Adjutant General of the militia of this Commonwealth to the first day of January last; said sum to be in full for his services as aforesaid, including office rent and clerk hire.

## LXXVII.

*Resolve for repaying to Joseph Burt and Josiah Macomber of Berkley, \$100 each. February 21, 1811.*

On the petition of Joseph Burt and Josiah Macomber, both of Berkley, in the county of Bristol, praying, that the money

which they paid the Commonwealth on their recognizance, for the appearance of Elijah Macomber, at the Court of Common Pleas, held within and for the county of Bristol, in June, 1807, that the said Elijah Macomber immediately after being bound to the Court of Common Pleas as aforesaid, was bound over to the Supreme Judicial Court, for the same offence, and that they recognized for his appearance, and accordingly delivered the said Elijah Macomber up to the said Supreme Judicial Court.

*Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to pay to the said Joseph Burt and Josiah Macomber one hundred dollars each, according to the prayer of the petition aforesaid.

### LXXVIII.

*Resolve abating the town of Carlisle State tax, of 1810.  
February 21, 1811.*

Whereas the meeting-house in Carlisle, in the county of Middlesex, on the twenty-fourth day of May last, was set on fire by lightning and consumed, together with the town stock of military stores, deposited therein. And the inhabitants of said town by their selectmen having petitioned this court that the State tax assessed on said town, on the fifth day of March, 1810, should be remitted. Therefore,

*Resolved*, That there be, and hereby is remitted to the said town of Carlisle, the said State tax, amounting to the sum of one hundred and fifty-four dollars and sixty six cents, and the treasurer of this Commonwealth is directed to govern himself accordingly.

### LXXIX.

*Resolve directing the Treasurer to charge tax of 1810, which is put to Loudon and Bethlehem, to the town of Otis.  
February 21, 1811.*

Upon the memorial of Paul Larcomb, praying that the tax now assessed to the towns of Loudon and Bethlehem, may be set to the town of Otis.

Whereas by an act of the General Court of Massachusetts, passed the twentieth day of June, in the year of our Lord, one



thousand eight hundred and nine, the towns of Loudon and Bethlehem, in the county of Berkshire, were incorporated into a town by the name of Loudon ; and whereas by another act of the said court, passed on the thirteenth day of June, in the year of our Lord, one thousand eight hundred and ten, the name of the town of Loudon was altered to the name of Otis, and as no notice has been taken of the aforesaid acts in the tax act passed March, Anno Domini 1810. Therefore,

*Resolved*, That the tax which has been assessed against the towns of Loudon and Bethlehem in the tax act aforesaid, be set against the town of Otis, and that the treasurer of this Commonwealth be directed to make such alterations, and balance his book accordingly.

## LXXX.

*Resolve directing the Agents for the sale of Eastern lands to cause a survey of the town of Baldwin. February 21, 1811.*

On the petition of John Spring, stating that there are lands in the town of Baldwin, in the county of Cumberland, belonging to this Commonwealth, and that he wishes to purchase the same. Therefore,

*Resolved*, That the agents for the sale of eastern lands be, and they hereby are authorized and empowered, to appoint some suitable person to survey said town of Baldwin, and ascertain the quantity, quality, and value, of what lands remain the property of this Commonwealth, and to sell to said Spring, or any other person or persons, all the Commonwealth's right, title, and interest in said surplus, for such consideration as said agents may deem just and reasonable.

## LXXXI.

*Resolve on the petition of the town of Hartford, confirming certain warrants and proceedings. February 21, 1811.*

Upon the petition of the inhabitants of the town of Hartford, in the county of Oxford, setting forth that several defects, irregularities, and omissions have happened and intervened, in several warrants for calling town meetings, and in the records

and proceedings therein, and praying that the legislature would confirm and render the same valid in law.

*Resolved*, That all warrants for calling town meetings in the town of Hartford, in the county of Oxford, since the incorporation of said town, and all proceedings which have been had under any such warrants, and the records of such warrants and proceedings, so far as the same may relate to any defect or omission in form, or want of uniformity to the law in any such warrants, proceedings, or records shall be, and the same are hereby confirmed, and rendered good and valid in law, any supposed defect or omission to the contrary notwithstanding.

### LXXXII.

*Resolve on the petition of James Freeman, Esq. Sheriff of Barnstable County. February 21, 1811.*

Upon the petition of James Freeman, Esq. sheriff of the county of Barnstable, praying that the committee on accounts may be authorized to receive and examine his accounts with the Commonwealth, and pass thereon.

*Resolved*, for reasons set forth in said petition, That the committee on accounts be, and hereby are authorized and empowered, to receive, examine, allow, and pass upon the account of James Freeman, Esq. sheriff of the county of Barnstable, with this Commonwealth, and to audit the same, any usage or limitation of time to the contrary notwithstanding.

### LXXXIII.

*Resolve granting \$119, 77 for the services of Simeon Ashley, formerly of the 10th Massachusetts Regiment. February 21, 1811.*

On the petition of Percival Ashley, administrator to the estate of Simeon Ashley, late a soldier in Capt. Soper's company, and Colonel Marshall's regiment, in the revolutionary war of the United States, stating that a balance remains due to the heirs of the said Simeon for said service, and as it appears that said statement is true.

*Resolved*, That there be allowed and paid from the treasury of this Commonwealth, to Percival Ashley, administrator, as aforesaid, and for the use of the heirs aforesaid, one hundred

and nineteen dollars, and seventy-seven cents, in full of said balance.

## LXXXIV.

*Resolve granting Josiah Smith \$76  $\frac{13}{100}$  in full for his services as a soldier in Colonel Marshall's regiment. February 21, 1811.*

On the petition of Josiah Smith, stating that, in the revolutionary war of the United States, he was a soldier in Captain Soper's company, and Colonel Marshall's regiment, and that a balance remains due for his services.

*Resolved*, That there be allowed and paid from the treasury of this Commonwealth, to the said Josiah Smith, seventy-six dollars and eighteen cents, in full for his said services.

## LXXXV.

*Resolve granting to Moses Hanson \$50, for loss of time and expense, consequent to a wound received. February 21, 1811.*

On the petition of Moses Hanson, a private in the company of militia in the town of Lebanon, commanded by George Gerish, praying for compensation for a wound he received while on military duty, on the first day of October in the year of our Lord one thousand eight hundred and ten.

*Resolved*, that for the reasons set forth in the said petition, That there be allowed and paid to Moses Hanson, out of any monies in the treasury of this Commonwealth, not otherwise appropriated, the sum of fifty dollars, as a compensation for loss of time and monies expended in consequence of said wound.

## LXXXVI.

*Resolve directing that blanks be printed for towns to make returns of the election of Governor, &c. February 21, 1811.*

*Resolved*, That four thousand copies of each class of blank printed returns proper to be used by selectmen and clerks of towns and districts, and assessors of plantations, in making out their returns of votes for governor, lieutenant governor, senators and counsellors, and representatives in Congress, according to the forms prescribed in a resolve of the General Court, passed

on the fourteenth day of January, in the year of our Lord one thousand eight hundred and seven, be printed at the expense of this Commonwealth; and the secretary of the Commonwealth is hereby authorized and directed to procure the same to be printed, and to cause two sets thereof to be forwarded to the clerks of each town or district, and to assessors of plantations having a right to give in their votes in the above elections.

## LXXXVII.

*Resolve appropriating \$6000 for the purchase of Regimental Colours, &c. February 21, 1811.*

*Resolved*, That the sum of six thousand dollars be, and the same is hereby appropriated out of any monies in the treasury, not otherwise appropriated, for the purpose of providing state and regimental colours, and such instruments of music, as is required to be furnished by an act, entitled "An Act for regulating and governing the militia of this Commonwealth;" and his Excellency the Governor, with the advice of Council, is hereby authorized and requested to issue a warrant on the treasury from time to time, for such sums as they may think proper, not to exceed in the whole six thousand dollars, the warrant to be drawn in favour of Amasa Davis, Esquire, Quarter Master General of this Commonwealth, and the said Davis is hereby held and made accountable for the expenditure thereof.

## LXXXVIII.

*Resolve granting \$75 to Jonathan Simonds, junior. February 21, 1811.*

On the petition of Jonathan Simonds, junior, a private soldier in the company of militia, in the town of Burlington, commanded by Capt. John Walker, junior, praying for compensation for a wound he received, while on military duty, on the first day of November last.

*Resolved*, that for reasons set forth in the said petition, That there be allowed and paid to said Jonathan Simonds, junior, out of any monies in the treasury of this Commonwealth, not otherwise appropriated, the sum of seventy-five dollars as a compensation for time lost and money expended, in consequence of said wound.

## LXXXIX.

*Resolve constituting the selectmen of Carver, guardians to Luama Seepit, an Indian woman. February 21, 1811.*

On the petition of the selectmen of Carver, praying that a guardian may be appointed for Luama Seepit, an Indian woman, who has become chargeable in said town, and who is the only remaining heir to a certain piece of land lying within the limits of said town.

*Resolved*, That the prayer of said petition be granted, and that the selectmen of the said town of Carver for the time being, and their successors in office, be, and hereby are appointed guardians to the said Seepit.

## XC.

*Resolve on the petition of Lemuel Pomroy, making valid a deposition. February 21, 1811.*

Upon the petition of Lemuel Pomroy, of Southampton, in the county of Hampshire, representing that in the month of October last, he procured the depositions of Douglas King, of Westfield, and John Lyman, of said Southampton, to be regularly taken in perpetual remembrance of several things relating to the said Lemuel's real estate in said Southampton, and that by misfortune the said depositions failed of being recorded in the proper Registry of Deeds till a few days after the expiration of the time limited by law for that purpose; and praying that a resolve may be passed, authorizing the said Lemuel to use and have the benefit of said depositions, as if the same had been seasonably recorded.

*Resolved*, for reasons set forth in said petition, That the said depositions of the said Douglas King and John Lyman may be used, and shall have the same effect in all respects, as if the same had been recorded within the time limited by law for that purpose.

## XCI.

*Resolve discharging the town of Sandford from a fine of \$100.  
February 21, 1811.*

On the petition of the inhabitants of the town of Sandford, in the county of York, by their agent.

*Resolved*, for reasons set forth in said petition, That the inhabitants of the town of Sandford be discharged from paying a fine of fifty dollars, awarded by the Supreme Judicial Court holden at York, in and for the county of York, on the third Tuesday of May, A. D. 1810. on account of bad roads, on condition that the sum of one hundred dollars be faithfully expended on the road leading from Eliot Frost's in said Sandford to the Province Mill, so called, by the first day of August next, under the direction of the selectmen of said town, in addition to the sum that is usually raised by said town for the repairs of highways the ensuing year, the said inhabitants producing satisfactory evidence of such expenditure to the Supreme Judicial Court next to be holden at Alfred, within said county, and paying costs of prosecution.

## XCII.

*Resolve on the petition of John P. Boyd. February 22, 1811.*

On the petition of John P. Boyd, praying for further time for the payment of his notes in the treasury given for eastern lands; and for further time to settle three townships of land.

*Resolved*, for the reasons set forth in said petition, The further time of two years from the passing of this resolve be allowed to John P. Boyd for the payment of his notes in the treasury of this Commonwealth given for lands. *Provided*, said Boyd shall within ninety days from the passing of this resolve, pay all the interest that may be due on said notes.

*Be it further resolved*, That the further time of two years from the first day of June next be allowed to John P. Boyd, his heirs and assigns, owner of townships numbered two, in the seventh range; numbered four, in the eighth range; and numbered four, in the ninth range, north of the Waldo Patent, to complete the settlement of forty families on each of said townships. And if the said John P. Boyd, his heirs or assigns, shall settle within said time the said number of families (including those already settled) on said townships, that then the estate and right of said John P.

Boyd, his heirs and assigns, shall be valid, full, and effectual to all intents and purposes as if the conditions of settlement expressed in the original deed given of the said townships by the committee appointed by the General Court, to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with. *Provided nevertheless*, That the said John P. Boyd, his heirs or assigns, shall on or before the first day of December next give bond to this Commonwealth, with sufficient surety or sureties, to the satisfaction of the agents for the sale of eastern lands, conditioned that the number of families required in said original deed to be settled on said township shall within the said term of two years be settled thereon, or for the payment of thirty dollars for each family, which shall then be deficient.

## XCIII.

*Resolve authorizing the Treasurer to receive of Levi Hubbard, Esq. Treasurer of Oxford county, \$111 in Berkshire Bank bills. February 22, 1811.*

Upon the petition of Levi Hubbard, Esq. praying that the treasurer of this Commonwealth may be authorized to receive of him one hundred and eleven dollars in bills of the Berkshire Bank, which he received in his office of treasurer for the county of Oxford.

*Resolved*, for reasons set forth in said petition, That the treasurer of this Commonwealth be, and he hereby is authorized and directed to receive of the said Levi Hubbard the aforesaid sum of one hundred and eleven dollars, in bills or notes of the Berkshire Bank, being the same notes received by him in his office of treasurer of the county of Oxford, as part of a fine and the cost of court imposed upon one Samuel Pumpilly by the Supreme Judicial Court held at Portland within the counties of Cumberland and Oxford, in the month of October, A. D. one thousand eight hundred and eight, and upon the residue of the fine and cost (which was received by said Levi Hubbard as aforesaid) being paid to the treasurer of the Commonwealth, that he give to the said Levi Hubbard a full discharge for the same.

## XCIV.

*Resolve appointing John Tinkham. Trustee of the property of Benjamin Simon, jun. an Indian. February 22, 1811.*

On the petition of Benjamin Simon, jun.

*Resolved*, for reasons set forth in the said petition, That John Tinkham, Esq. of Middleboro' in the county of Plymouth, be, and he is hereby appointed trustee of the property of the said Benjamin Simon, jun. an Indian, with the same authority and power, as was granted to the said John Tinkham, as trustee of the property of Benjamin Simon and William Simon, Indians, in and by a resolve passed the seventh day of March, 1804.

## XCV.

*Resolve in favour of Silvanus Lapham. February 22, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth unto Silvanus Lapham, assistant messenger to the General Court, one dollar per day, during the present session of the General Court, over and above his ordinary allowance.

## XCVI.

*Resolve on the petition of Amasa Stetson and others, granting further time to complete their settlements. February 23, 1811.*

On the petition of Amasa Stetson, Edward Tyler, and others, praying further time to settle families on lands of which they are proprietors.

*Resolved*, for reasons set forth in said petition, That a further time of two years, from the first day of June next, be allowed to Amasa Stetson, his heirs and assigns, owner of two townships of land number three in the third range, and number three in the second range of townships north of the Waldo Patent, to complete the settlement of twenty families on township No. 3, third range, and forty families on township No. 3, second range; to Edward Tyler and others, owners of township letter D, (their heirs and assigns) in the County of Oxford, to complete the settlement of forty families in said township letter D.



and if said Stetson and Tyler, their heirs or assigns, shall settle within said time the said number of families (including those already settled) on said townships respectively, that then the estate, right, and title of said Stetson, Tyler, and others shall be full and effectual to all intents and purposes, as if the conditions of settlement expressed in the original deeds given of the said townships by the committee appointed by the General Court to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with. *Provided nevertheless*, That the said Stetson, Tyler, and others, their heirs or assigns, shall on or before the first day of December next, severally give bond to this Commonwealth, with sufficient surety or sureties, to the satisfaction of the agents for the sale of eastern lands, conditioned that the number of families severally required in said original deeds to be settled on said lands, shall, within the said term of two years, be settled on said townships, or for the payment of thirty dollars for each family which shall then be deficient of the whole number.

## XCVII.

*Resolve in favour of John Barker and others.*  
*February 25, 1811.*

Whereas by a resolve of the General Court passed 20th June, 1809, Salem Towne, Esq. was authorized and empowered to ascertain the quantity and value of the lands taken to quiet the settlers on the quarter of the township No. 4, on the Penobscot River, sold to John Barker and Aaron Tufts, Esq.; and said Towne having reported that the land taken as aforesaid consists of two lots; one lot of one hundred acres, of the value of five hundred and twenty-five dollars; and one lot of eighty-two acres, of the value of three hundred and twenty-eight dollars.

*Resolved*, That there be allowed to John Barker and Aaron Tufts, Esq. eight hundred and fifty-three dollars, in full for the aforesaid two lots taken out of their purchase for the purpose of quieting the settlers on the said quarter of the township No. 4, on the Penobscot River. And the treasurer of the Commonwealth is hereby directed to discount on the bond given by the said Barker and Tufts to secure the payment of the purchase money of the said quarter of the township No. 4, the above sum of eight hundred and fifty-three dollars.

## XCVIII.

*Resolve authorizing the Governor to appoint some person to ascertain, on what terms, certain Islands can be purchased for the Penobscot Indians. February 25, 1811.*

On the petition of the Penobscot tribe of Indians, praying that some person may be appointed to buy several small islands in Penobscot River, called the Shad Islands, by exchanging some of their land, or in such other way as to the Legislature shall seem best.

*Resolved*, for reasons set forth in said petition, That his Excellency the Governor, by and with the advice and consent of the honourable Council, be, and he is hereby authorized and requested to appoint some suitable person, whose duty it shall be to enquire into the subject matter of said petition, and ascertain on what terms said islands can be had, either by exchanging some of said Indians' land, or otherwise, and report his doings to the next Legislature.

## XCIX.

*Resolve on the Petition of Agents for the town of Brunswick. February 25, 1811.*

On the petition of agents for the town of Brunswick, for authority to convey and set off to the President and Trustees of Bowdoin College, two hundred acres of the common land in said town.

*Resolved*, for reasons set forth in said petition, That Jacob Abbot and John Perry, jun. Esqrs. be, and they are hereby authorized and empowered, on behalf of said town, to make and execute a deed of two hundred acres of said common land to the President and Trustees of Bowdoin College. And they are also empowered to make a survey and establish the boundaries of said common land; then to set off and divide to the said President and Trustees, the aforesaid two hundred acres of land with proper metes and bounds.

## C.

*Resolve appointing a Committee on State Prison affairs.  
February 25, 1811.*

*Resolved*, That the Hon. Samuel Dana, Peter C. Brooks, Aaron Hill, James Prince, and Benjamin Weld, Esqrs. be, and they hereby are appointed a committee, during the recess of the Legislature, to examine the books and accounts of the superintendant of the State Prison, and of all other persons who have had any agency in that institution, from its first establishment till the first day of December last, with power to send for persons and papers, and to employ any suitable accountant to assist them in such examination; and also, if they think proper, to revise the laws for regulating the State Prison, with leave to report by bill or otherwise at the first session of the next General Court; and that they lay their account before the committee on accounts for allowance.

## CI.

*Resolve on the petition of Rufus Davis, directing the Treasurer to take his note and give up a note signed by Levi and Ebenezer Davis. February 25, 1811.*

On the petition of Rufus Davis, executor of the last will and testament of Levi Davis, late of Charlton, deceased, praying that the treasurer of this Commonwealth be directed to give up the note given by said Levi and Ebenezer Davis to said Commonwealth for the sum of sixteen hundred and sixty-seven dollars.

*Resolved*, for reasons set forth in said petition, That the treasurer of this Commonwealth be, and he is hereby authorized and directed to give up to said Rufus Davis the said Levi and Ebenezer's note: *Provided*, That the said Rufus shall first pay the interest due, and give a note or bond to said treasurer for the use of the Commonwealth, with sufficient surety or sureties, to the acceptance of said treasurer, to the amount of said Levi and Ebenezer's note.

## CII.

*Resolve on the petition of Simon Cheney, administrator, for a new note. February 25, 1811.*

On the petition of Simon Cheney, administrator on the estate of Timothy Cheney, late of Medfield, in the county of Norfolk, deceased, praying for a new note in lieu of one lost.

*Resolved*, That the treasurer of this Commonwealth be, and he is directed to issue a new state note for one hundred forty dollars, and eighty-nine cents, bearing the same number and date, at five per cent interest ; the said Simon, as administrator, as aforesaid, first giving bonds to the satisfaction of the treasurer, and his successors in office, conditioned to save the Commonwealth harmless from all demand therefor, on the account of the note, said to be lost as aforesaid.

## CIII.

*Resolve on the petition of Thomas Leavit, of Buxton, County of York. February 25, 1811.*

Whereas, Mary Ayer, administratrix of the estate of Daniel Ayer, late of Buxton, in the county of York, cordwainer, deceased, and guardian to the heirs of said estate, they being all minors, was at a Court of Common Pleas, begun and holden at Biddeford, within and for the said county of York, on the last Tuesday of October, in the year of our Lord, one thousand eight hundred and three, empowered by the said court to sell and pass deeds to convey the whole of the real estate of said deceased, she being then sole and unmarried : and the said Mary, after intermarrying with Samuel Leavit, of said Buxton, did on the twenty-third day of January, in the year of our Lord, one thousand eight hundred and four, together with the said Samuel, by their lawful names, by deed under their hands and seals of that date, and by virtue of the said power from said court, sell and convey to Thomas Leavit, of said Buxton, a certain tract of land in said Buxton, the whole of the estate of said deceased ; being three fourths of lot numbered two on the letter H, and third division, and the said Mary having since deceased : and the said Thomas having petitioned this court to make the said deed as valid in law, as if the said Mary had

been sole and unmarried at the time she executed said deed. Therefore,

*Resolved*, That the deed aforesaid be, and hereby is made valid in law to all intents and purposes, as if the said deed had been made and executed by the said Mary, when sole, by the name of Mary Ayer, in her said capacity of administratrix of the said estate, and guardian to the said minor heirs, and as if the said Mary had remained sole and unmarried at the time of making and executing the said deed.

#### CIV.

*Resolve on the petition of William Davis and others, agents for the town of Plymouth. February 26, 1811.*

On the petition of William Davis, Esq. and others, agents for the town of Plymouth, praying further time to locate a township of land granted to them by a resolve dated February 24, 1808; the term limited in said resolve for locating said township, being now expired. Therefore,

*Resolved*, That a further time of one year from this date be, and hereby is allowed to said inhabitants to cause the same to be located; and the agents for the sale of eastern lands are hereby directed to govern themselves accordingly, any thing in the resolve of the 24th of February, 1808, to the contrary notwithstanding.

#### CV.

*Resolve for paying Warren Chase. February 26, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth unto Warren Chase, assistant to the messenger of the General Court, one dollar per day during the present session of the General Court over and above his usual allowance.

#### CVI.

*Resolve, further directing the Secretary in the purchase of the several volumes of the Reports of Decisions in the Supreme Judicial Court. February 26, 1811.*

*Resolved*, That the secretary be, and he is hereby authorized to allow and pay twenty-five cents for each volume of the Reports

of Cases argued and determined in the Supreme Judicial Court, in addition to the sum limited by a resolve of the Legislature passed the 14th day of February instant, and that two dollars and twenty-five cents be considered as the price of each volume which the secretary is to be limited by, in the same manner as though that sum had been inserted in said former resolve.

## CVII.

*Resolve on the petition of John Chapman and others. February 26, 1811.*

On the petition of John Chapman, of Tewksbury, in the county of Middlesex, blacksmith, John Jaques, of said Tewksbury, yeoman, administrator of the goods and estate which were of John Jaques, late of said Tewksbury, yeoman, deceased, and Zephaniah Clark, of said Tewksbury, guardian to Nathan Jaques, Samuel Jaques, Polly Jaques, and Oliver Jaques, children and minor heirs of the said John Jaques, deceased, setting forth that the said John Jaques, deceased, in his life time promised and agreed to and with the said Chapman, that whenever he the said Chapman, should pay him the said John Jaques, deceased, the contents of a note of hand given by said Chapman to said Jaques, dated the eleventh day of August, in the year of our Lord one thousand eight hundred and six, for the sum of one hundred and ninety-one dollars and ninety-seven cents, he the said Jaques, deceased, would give said Chapman, a good and sufficient deed of two lots or pieces of land, situated in said Tewksbury, and described as follows viz. one lot or piece bounded, beginning at the highway which leads from Tewksbury meeting-house to Salem; thence southwardly twelve rods by land of John Spaulding; thence west nineteen rods by land of Rev. Jacob Coggin; thence northwardly fourteen rods partly by land of said Coggin, and partly by common land to the highway aforesaid, and thence by said highway to the bound first mentioned. The other lot or piece bounded, beginning at the north-west corner at land of said Coggin; thence eastwardly by land of said Spaulding, sixteen and a half rods to the land of Job Kittridge; thence southwardly by said Kittridge's land nine rods; thence westwardly twenty rods by land of said Kittridge and of said Coggin; thence northwardly twenty rods by land of said Coggin, to the first mentioned bound.—But that no such bond or obligation was executed as would authorize the Supreme Judicial Court to

take cognizance of the subject; and praying that the said administrator or guardian may be authorized to convey said lots of land to said Chapman upon payment of said note, agreeably to the promise of the intestate aforesaid:

*Resolved*, That for the reasons aforesaid, the said John Jaques, administrator as aforesaid, and the said Zephaniah Clark, guardian as aforesaid, be, and are hereby jointly authorized to convey the said lots of land to the said John Chapman, and that the joint deed of the said John Jaques and Zephaniah Clark duly executed, acknowledged and recorded, shall be sufficient to pass the fee of the said lots of land to the said John Chapman.

## CVIII.

*Resolve granting Taxes to several Counties. February 26, 1811.*

Whereas the treasurers of the following counties have laid their accounts before the legislature for examination, which accounts have been examined and allowed: and whereas the clerks of the Courts of Common Pleas, for the said counties, have exhibited estimates, made by the said courts, of the necessary charges which may arise within the said several counties, for the year ensuing, and of the sums necessary to discharge the debts of the said counties:

*Resolved*, That the sums annexed to the several counties, contained in the following schedule, be, and the same are hereby granted as a tax, for each county respectively, to be apportioned, assessed, paid, collected and applied, for the purposes aforesaid, according to law.

Suffolk, forty-five thousand dollars	- - -	\$45,000
Essex, eight thousand one hundred dollars	-	8,100
Middlesex, nine thousand three hundred dollars	-	9,300
Hampshire, two thousand five hundred dollars	-	2,500
Plymouth, two thousand seven hundred and fifty dollars		2,750
Barnstable, one thousand eight hundred and fifty dollars		1,850
Worcester, four thousand dollars	- - -	4,000
Norfolk, three thousand dollars	- - -	3,000
York, four thousand dollars	- - -	4,000
Cumberland, six thousand dollars	- - -	6,000
Lincoln, seven thousand seven hundred and fifteen dollars		7,715
Oxford, two thousand dollars	- - -	2,000
Somerset, two thousand one hundred dollars	-	2,100

Hancock, four thousand six hundred and fifty dollars 4.650

Washington, one thousand five hundred dollars - 1.500

*And be it further resolved,* That twenty thousand dollars of the sum hereby ordered to be raised in the county of Suffolk for the year ensuing, shall be appropriated towards building the new court house in said county.

### CIX.

*Resolve granting pay to John Perry, assistant to the Messenger of the General Court. February 26, 1811.*

*Resolved,* That there be allowed and paid out of the public treasury, unto John Perry, assistant to the messenger of the General Court, one dollar per day, for each day of the present session of the General Court, over and above the usual allowance to him.

### CX.

*Resolve to empower the Committee on the State Prison, to purchase patent rights. February 26, 1811.*

*Resolved,* That the committee appointed during the present session of the legislature to examine the books and accounts of the superintendant of the State Prison, and of all other persons who have had any agency in that institution, and also to revise the laws for regulating said prison, be, and they are hereby authorized and empowered to contract for the purchase of any patent right, for the purpose of introducing into said prison such manufactures, as may, in their opinion, be conducive to the interests of the Commonwealth.

### CXI.

*Resolve on the petition of Elisha Sigourney and Judah Hays, Executors of the late General Henry Jackson. February 26, 1811.*

On the petition of Judah Hays and Elisha Sigourney in their capacity of executors of Henry Jackson, late of Boston, in the county of Suffolk, Esq. deceased, representing that said Jackson was at the time of his decease a creditor of Henry Knox, late of Thomaston, in the county of Lincoln, Esq. deceased, and have



by accident lost the benefit of claiming under the commission of insolvency on said Knox's estate, the same having been closed.

*Resolved*, That the Judge of Probate in the county of Lincoln be, and he hereby is authorized and required to cause the commission on the estate of the said Henry Knox to be further extended for the term of two months from the first day of March in the year one thousand eight hundred and eleven; and that all persons who have not exhibited their claims on the estate of said Henry Knox be, and they are hereby authorized and empowered to exhibit the same to the commissioners; and that if the commissioners heretofore appointed shall have deceased or they or either of them shall be incapacitated, or shall refuse to serve, the Judge of Probate is hereby authorized to appoint one or more other commissioners. *Provided always*, that the costs of all proceedings to be had in virtue of this resolve in the Probate Office, and the expenses of the further meetings and sessions, and services of said commissioners shall be defrayed and paid by the aforesaid petitioners, Judah Hays and Elisha Sigourney; and that no part of the costs, charges, or expenses of opening the said commission in virtue hereof, shall be chargeable to the estate of said Henry Knox.

## CXII.

*Resolve appointing Edward Mitchell jun. Guardian to the Indians in Bridgewater. February 26, 1811.*

*Resolved*, That Edward Mitchell, jun. of Bridgewater, in the county of Plymouth, be, and he is hereby appointed a guardian over all the Indians residing in said Bridgewater and owning lands therein, with all the powers which are by the laws of this Commonwealth given to guardians in other cases. *Provided*, That the said Edward Mitchell, jun. do first give sufficient bonds to the Judge of Probate for the county of Plymouth, for the faithful performance of the trust reposed in him by the aforesaid appointment.

## CXIII.

*Resolve accepting the report of Simon Larned and Moses Hopkins, Agents for the sale of the Commonwealth's land in the county of Berkshire. February 26, 1811.*

The committee to whom was committed the report of Simon Larned and Moses Hopkins, and the documents accompanying the same, report the following resolve, which is submitted by

E. STARKWEATHER, *per order.*

Whereas by a resolve of the legislature of the said Commonwealth, passed the fourth day of February, in the year of our Lord one thousand eight hundred and four, and another resolve of the thirteenth of June, 1807, Simon Larned and Moses Hopkins were appointed agents to take possession of, sell, and convey all the Commonwealth's land lying in the county of Berkshire, and directed to pay over seven hundred and fifty dollars of the proceeds thereof to the heirs of John Burghardt.

*Resolved*, That the report of the said Simon Larned and Moses Hopkins, agents as aforesaid, on the subject of the sales of the lands aforesaid, be, and the same is hereby accepted.

*And be it further resolved*, That the said agents shall as soon as may be, return to the Secretary's office a certificate of the payment of the said sum of seven hundred and fifty dollars to the heirs of the said John Burghardt, and pay into the treasury of the Commonwealth the sum of one hundred and sixteen dollars and ninety-four cents, it being the balance due to the Commonwealth, after deducting the said agent's account in full, and incidental charges of the sales of the land aforesaid as appears by the schedule of the said agents which is annexed to their said report.

## CXIV.

*Resolve on the petition of Isaac Maltby. February 26, 1811.*

On the petition of Isaac Maltby, praying that Jonathan Lyman, administrator on the estate of Israel Parsons, late of Hatfield in the county of Hampshire, deceased, may be authorized and empowered to make and execute deeds of two pieces of land lying in said Hatfield, which land was conveyed by said Isaac Maltby to said Israel Parsons as collateral security to guarantee the payment of a note of hand signed by Lemuel Dickinson, which note has been paid.

*Resolved*, That the said Jonathan Lyman, administrator as aforesaid, be, and he hereby is authorized and empowered to make and execute good and sufficient deed or deeds of two pieces of land lying in said Hatfield to him the said Isaac Maltby, bounded as follows: the first lot on the north by Moses Warner, south by Ebenezer and Daniel Dwight, west by Moses Sherman, and east by land of the said Israel Parsons, containing fifty-one acres; the other lot lying near Great Plain, so called, and bounded west by Capt. Silas Billings, south by land unknown, east by Seth Bardwell's heirs, and north by land unknown; containing fourteen acres; that the deed or deeds by said Jonathan Lyman, administrator as aforesaid, by him duly executed, shall be sufficient to convey the above two pieces of land to him, the said Isaac Maltby, to all intents and purposes, as if the same had been made by said Israel Parsons in his life time.

## CXV.

*Resolve granting Edward M'Lane \$250. February 26, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Edward M'Lane, first clerk in the Secretary's office, the sum of two hundred and fifty dollars, in full compensation for extra services rendered in the said office by the said Edward M'Lane, since the decease of the late secretary Avery.

## CXVI.

*Resolve on the petition of William Heard and others. February 26, 1811.*

On the petition of Abigail Heard, William Heard and others, praying that William Heard may be authorized to make and execute a deed of conveyance of a certain lot of land situated in Thomastown, in the county of Lincoln, to John Heard, of said Thomastown.

*Resolved*, for reasons set forth in said petition, That the prayer thereof be so far granted that the said William Heard, administrator on the estate of William Heard, late of said Thomastown, deceased, be, and he hereby is authorized and empowered to convey to the said John Heard, a certain parcel of land lying in said Thomastown, bounded as follows: beginning at Makers Cove,

so called, at a stake and stones, thence running south by east, two hundred and thirty-two rods, to a birch tree, on the bank of the sea shore, thence by the shore easterly until it makes sixty rods at right angles from the before mentioned line, thence north by west one hundred rods to a stake and stones, thence north twenty-six degrees west, one hundred and twenty-seven rods to the first mentioned Cove, thence westerly by the shore to the first mentioned bounds, containing seventy-one acres and three fourths of an acre, and to make and execute a good and sufficient deed to convey the same, which shall be valid in law to all intents and purposes, as if the said William Heard had conveyed the same in his life time.

## CXVII.

*Resolve for paying the Clerks and Chaplains of both Houses.  
February 27, 1811.*

*Resolved.* That there be paid out of the public treasury to Nathaniel Coffin, Esq. clerk of the Senate, and to Charles Pinckney Sumner, Esq. clerk of the House of Representatives, three hundred and fifty dollars each; and also to Samuel F. M. Clary, assistant clerk of the Senate, and to Thomas Walcut, assistant clerk of the House of Representatives, two hundred and fifty dollars each; and also to the R. v. Joseph Stevens Buckminster, chaplain of the Senate, and the R. v. Dr. Thomas Baldwin, chaplain of the House of Representatives, sixty dollars each; in full of their services in said offices the present session.

## CXVIII.

*Resolve granting \$100 to the Secretary to pay assistant Clerks.  
February 27, 1811.*

*Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth unto Benjamin Howans, Esq. Secretary of the State, one hundred dollars, to enable him to pay such assistant clerks as he may have employed to expedite the public business of the present session of the General Court—he to be accountable for the expenditure thereof.

## CXIX.

*Resolve on the petition of Winslow Parker. February 27, 1811.*

On the petition of Winslow Parker, praying for the assistance of this Commonwealth in defence of a certain action brought by James Martin against him to recover possession of certain lands in Groton, in the county of Middlesex, which was conveyed by this Commonwealth to the said Winslow Parker with warranty.

*Resolved.* for reasons set forth in said petition, That the Attorney General of this Commonwealth, be, and he hereby is authorized to appear on behalf of this Commonwealth in the suit now pending, in the county of Middlesex, brought by the said James Martin against the said Winslow Parker, for the recovery of said land conveyed as aforesaid, and to examine into the title of the said Martin thereto—and the said Attorney General is hereby authorized and required, if he shall think it expedient, to defend against the claim of the said Martin to said land; and to substitute any other person, or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

*And it is further resolved,* That his Excellency the Governor, by and with the advice of the Honourable Council, be, and he hereby is authorized and requested to issue his warrant on the treasury for such sum, not exceeding one hundred dollars, as the said Attorney General shall apply for to defray the necessary expenses of any of the services hereby required, for which sum he shall be accountable.

## CXX.

*Resolve for paying the Committee on Accounts. February 27, 1811.*

*Resolved,* That there be allowed and paid out of the public treasury, to the committee appointed to examine and pass on accounts presented against the Commonwealth, for their attendance on that service during the present session, the sums annexed to their names respectively, in addition to their pay as members of the legislature, viz.

Hon. Nathan Willis, thirty-one days, thirty-one dollars.—  
Hon. Israel Bartlett, thirty-one days, thirty-one dollars.—  
Thomas Hale, thirty-one days, thirty-one dollars.—David

Perry, thirty-one days, thirty-one dollars.—Nathan Fisher, thirty-one days, thirty-one dollars.—Silas Holman, fifteen days, fifteen dollars.

## CXXI.

*Resolve allowing further time to any town in the County of Worcester, for recovering monies back, paid as a tax for the Court House. February 27, 1811.*

The committee of both Houses, appointed to consider the expediency of lengthening the time to any town in the county of Worcester, for refunding the money such town so paid for the purpose of building a court house, in the county of Worcester, according to a resolve passed the 29th day of January, 1801, with leave to report by bill or otherwise, report the following resolve, which is submitted by

EZRA STARKWEATHER, *per order.*

*Resolved*, That the further time of two years from the first day of March next, be, and is hereby granted to any town, or towns, in the county of Worcester, which may be severed from the same within that time, and incorporated with any other county, to recover back any sums of money which have been assessed on them respectively, and paid towards a tax, granted January 29, 1801, for the purpose of building a court house in Worcester; any thing in the original resolve to the contrary notwithstanding.

## CXXII.

*Resolve to pay Nathaniel Coffin \$55 for completing an index to the Senate Journals. February 27, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Nathaniel Coffin, the sum of fifty-five dollars, in full for his services for completing an index to the Senate Journals, since the adoption of the Constitution in the year 1780, agreeably to an order of the Senate.

## CXXIII.

*Resolve discharging the Quarter Master General of eleven thousand five hundred dollars, and making an appropriation of thirteen thousand dollars for his department.*

*February 27, 1811.*

*Resolved*, That Amasa Davis, Esq. Quarter Master General, be, and he hereby is discharged from the sum of eleven thousand five hundred dollars, which he expended, including his salary, office rent, and clerk hire, amounting to one thousand dollars, for one year, ending the seventh day of January, in the year of our Lord, one thousand eight hundred and eleven, out of the sum he has received the last year by warrants on the treasurer.

*Resolved*, That the sum of three hundred and fifty-five dollars, and eighty-eight cents, be paid to the said Amasa Davis, Esq. out of the treasury of this Commonwealth, as the balance of his account.

*Resolved*, That the sum of thirteen thousand dollars, be paid to the said Quarter Master General, from the treasury of this Commonwealth, to meet the expenses of his department the ensuing year, for the application of which he is to be accountable, and that his Excellency the Governor, be requested to issue his warrant on the treasury for the amount, at such period and in such sums, as his Excellency, with the advice of Council, may deem expedient for public service.

## CXXIV.

*Resolve on the petition of Nathaniel Dummer, and others, directing the agents for the sale of eastern lands, to cause a survey of ten townships of land. February 27, 1811.*

The committee of both Houses, to whom was referred the petition of Nathaniel Dummer, and others, praying the aid of the legislature of said Commonwealth in laying out a road from the Kennebeck river, to the north boundary of said Commonwealth, in a direction to the nearest settlement on the river Chaudiere, ask leave to report the following resolve.

*Resolved*, for reasons set forth in said petition, That the agents for the sale of eastern lands be, and they hereby are authorized, to survey, or cause to be surveyed, ten townships of land, to be so laid out, as that the road run out by Charles

Turner, jun. John Merrick, and James Stackpole, jun. Esqrs. in the year 1810, may run through said townships, the said townships to extend from the north line of Bingham's million of acres, so called, to the northern boundary of this Commonwealth, in order to provide for opening said road, the agents aforesaid are authorized and directed to advertise in the several newspapers printed in the town of Boston, that they are ready to receive proposals to effect the opening of said road, from any person or persons disposed to do the same, the contractors agreeing to fell the trees, and make the necessary bridges and causeways, and clear and make the road of suitable width, and convenient for travelling, for which the said agents are authorized to convey to the contractors in payment for said road, a proportion of said townships, not exceeding one quarter of each township, to be located under the direction of said agents. *Provided*, that the said contractors shall be obliged to produce satisfactory evidence to the agents aforesaid, that they have completed said road agreeably to their contracts.

*Provided nevertheless*, That in case the road above mentioned is not completed within five years to the acceptance of the committee for the sale of eastern lands, then this resolve to be null and void.

## CXXV.

*Resolve on the petition of Pitt Dillingham. February 27, 1811.*

*Resolved*, That there be granted and paid out of the public treasury to said petitioner, the sum of one hundred eighty-eight dollars, and seventeen cents, in full of his claim for the support and maintenance of Miles Ford, a state pauper. *And also*, the further sum of three hundred and eighty dollars to said Dillingham, to indemnify him in his loss, occasioned by the destruction of the Commonwealth's gaol in Augusta by fire. And his Excellency the Governor with the advice of Council, is authorized to issue his warrant to the Treasurer of the Commonwealth directing him to pay the same accordingly.

## CXXVI.

*Resolve directing the Secretary to deliver to the Governor, Books and Maps. February 27, 1811.*

*Resolved*, That the Secretary be, and he hereby is directed to deliver the Governor of the Commonwealth, for the time



being for his own private and particular use, one set of the maps of Massachusetts and Maine, one set of the General, and one set of the Special Laws, each bound in three volumes, one copy of all other laws, passed since the publication of said volumes, and previous to the election of such Governor, one copy of all the printed Resolutions which may be found in his office, also one set bound, of all the laws of the United States, which may be found in his office. And one complete set of the Massachusetts Term Reports.

## CXXVII.

*Resolve on the petitions of John Campbell, and James Gibson.  
February 28, 1811.*

On the petition of John Campbell and James Gibson, praying that they may have the privilege of purchasing two islands which they have settled and made improvements upon for many years, situated near Deer Island, in the county of Hancock. Therefore,

*Resolved*, That the agents for the sale of eastern lands be, and they are hereby authorized and empowered to sell to said John Campbell and James Gibson, or any other person or persons, what islands remain unsold, belonging to this Commonwealth, within the limits of the corporation of said Deer Island, for such consideration as the agents aforesaid may think just and reasonable.

## CXXVIII.

*Resolve directing the Secretary to deliver plans, papers, &c. to the Agents for the sale of Eastern lands.  
February 28, 1811.*

*Resolved*, That the secretary of this Commonwealth be, and he hereby is directed to deliver to the agents for the sale of eastern lands, all the plans, papers, copies of deeds, and other documents concerning the Commonwealth's lands in the District of Maine; and the agents aforesaid, are directed to receive the same and place them on their files for the use of the Commonwealth.

## CXXIX.

*Resolve on the petition of Daniel Hill. February 28, 1811.*

The committee on the subject of eastern lands to whom was referred the petition of Daniel Hill, that he may be quieted in the possession of a lot of land in township number five on Schoodic river, report the following resolve.

*Resolved*, That the agents for the sale of eastern lands be, and they hereby are directed to cause said lot to be surveyed at the expense of said Hill, or his assigns, and to quitclaim all right, title, and interest, which the said Commonwealth has to said lot, on the said Daniel Hill, his heirs, or assigns, paying five dollars with interest, from the 25th June, 1790, to said agents, and the treasurer of this Commonwealth is directed to pay to the proprietors of said township number five, such sum of money as appears to have been paid for said lot by said proprietors, with the interest thereon, from the time the said township was purchased by them.

## CXXX.

*Resolve for removing prisoners from the County of Washington to Augusta. February 28, 1811.*

Upon the representation of John Burgin, Esq. and others, magistrates in the county of Washington, that Ebenezer Ball is charged with the crime of murder, alleged to have been committed in the county of Washington;—and that Peter Berry and Frederick Gray are also charged with crimes alleged to have been committed in that county; and praying that measures may be taken for their safe custody, the jail in that county being insufficient therefor.

*Resolved*, That the Sheriff of the county of Washington be, and he hereby is authorized and required forthwith to remove the said Ebenezer Ball, and the said Peter Berry, and the said Frederick Gray, to the town of Augusta, in the county of Kennebeck, and deliver the same persons to the sheriff of the county of Kennebeck; and the sheriff of the last mentioned county is hereby required to receive the said Ball, Berry, and Gray, and them safely keep until they shall be discharged by due order of law; and for the purpose of safely keeping the said

Ball, Berry, and Gray, the sheriff of Kennebeck is hereby authorized and empowered to employ a suitable guard, if necessary.

## CXXXI.

*Resolve on the petition of Joseph Tirrell, directing the Treasurer to issue a new State note, for one lost. February 28, 1811.*

On the petition of Joseph Tirrill, praying that the Treasurer of this Commonwealth may be authorized to issue a new State note, to replace one which has been lost by him.

*Resolved*, for the reasons set forth in said petition, That the Treasurer of this Commonwealth be, and he hereby is directed to issue a new State note in the name of the said Joseph Tirrill, of the same sum, tenor, and date, of the one lost by him, which was dated in April, one thousand seven hundred and ninety-six, for the sum of twenty-three dollars and sixty-two cents, and on interest, at five per cent, from July the first, one thousand seven hundred and ninety-four, on which note the interest has been paid for five years, he, the said Tirrill, first giving bonds with sufficient sureties to the Treasurer of this Commonwealth, payable to him or his successor in that office, to indemnify and save harmless this Commonwealth from any demand or damages whatever, which may arise from the renewal of said note.

## CXXXII.

*Resolve on the petition of John Rowe and others. February 28, 1811.*

On the petition of John Rowe and others, praying that they may have liberty to extend their wharf a few feet into the channel, in the harbour of Boston.

*Resolved*, for the reasons set forth in their petition, That the said John Rowe and others be, and they are hereby authorized and permitted, in repairing said wharf, to extend the same from the north corner thereof, as it now stands, twenty feet; and from the south corner thereof, as it now stands, fifteen feet, further into the channel. *Provided*, That part of the wharf, so to be extended into the channel, be built wholly with stone, to high water mark.

## CXXXIII.

*Resolve on the petition of William Tudor, Esquire.  
February 28, 1811.*

Whereas, William Tudor, Esq. late Secretary of this Commonwealth, has represented to this court, that during the two years of his serving in the said office, from June one thousand eight hundred and eight, to June last; he received in fees of said office, eleven hundred and thirteen dollars and forty-eight cents; which sum he has made application might be adjusted. Therefore,

*Resolved*, That considering the statement made of the extra services performed by said William Tudor, Esq. while Secretary of this Commonwealth, that he be allowed to retain the sum of one thousand dollars of the money now remaining in his hands as a compensation for said services and that upon the payment of one hundred thirteen dollars, forty eight cents, into the treasury of this Commonwealth, he be, and he hereby is discharged from all demands of the Commonwealth against him, for fees received by him as Secretary as aforesaid, for the two years he served in that office, ending June last.

## CXXXIV.

*Resolve for stay of Execution against the sureties of the late Treasurer Skinner. February 28, 1811.*

Upon the petition of Timothy Childs, Esq. and others, sureties of Thompson J. Skinner, deceased, late Treasurer of the Commonwealth, for the first year of said Skinner's office, praying that executions upon such judgments as may be rendered against them, may be further stayed.

*Resolved*, for reasons set forth in said petition, That the Solicitor General be, and he is hereby authorized and directed to consent to the continuance of the several actions against the said petitioners, for judgment, from term to term, until March term of the Supreme Judicial Court, which will be held at Boston, in and for the county of Suffolk, on the second Tuesday of March, which will be in the year of our Lord one thousand eight hundred and twelve. *Provided*, The petitioners shall first pay to the Solicitor General the sum of five hundred dollars, towards defraying the costs and expenses of the suits

against said petitioners; *And provided also*, That said petitioners shall first give sufficient collateral security to the Commonwealth to the satisfaction and acceptance of the said Solicitor General, and of the Treasurer of the Commonwealth, to pay into the treasury of the Commonwealth the sum of ten thousand dollars, and also all the interest upon the whole sum due the Commonwealth from the estate of said Thompson J. Skinner and his sureties; said last mentioned sum and interest to be secured and paid as aforesaid, at two, four, and six months from the day on which the continuances in the aforesaid actions shall be entered of record, and when paid, to be in part discharge to the amount thereof, of the sum for which judgment is finally to be rendered against the said petitioners.

*Provided also*, That nothing herein contained, shall be construed to effect or invalidate the attachments already made upon the property of the petitioners in the actions aforesaid.

## CXXXV.

*Resolve for allowance to Joseph Balch, for services in the Secretary's office, \$190. February 28, 1811.*

On the petition of Benjamin Homans, Secretary of the Commonwealth of Massachusetts, praying for an allowance to Joseph Balch, for his service in recording the proceedings of the Provincial Congress, in the year 1774 and 1775.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth to Joseph Balch, the sum of one hundred and ninety dollars, in full for said service. And his Excellency the Governor, by and with the consent of Council, is hereby requested to draw his warrant on the treasury for the same, when he shall have evidence that the said records are completed.

## CXXXVI.

*Resolve directing the Attorney or Solicitor General to commence and prosecute a suit against Joseph Thomas and others. February 28, 1811.*

*Resolved*, That the Attorney or Solicitor General be directed to commence and prosecute, to final judgment and execution, a suit against Joseph Thomas and others, petitioners for a turn-

pike from Plymouth to Queen Ann's corner, in Hingham, to recover the account of the court's committee, for their trouble and expenses in viewing the ground proposed for said road, in conformity to the direction of the legislature of this Commonwealth.

## CXXXVII.

*Resolve confirming the doings of Calvin Crombie, administrator on William Crombie, jun<sup>r</sup>s. estate. February 28, 1811.*

On the petition of Calvin Crombie, administrator on the estate of William Crombie, jun. deceased, late of Plymouth in the county of Plymouth.

*Resolved*, for reasons set forth in the said petition, That the doings of the said Calvin Crombie, as administrator on the estate of William Crombie, jun. deceased, late of Plymouth in the county of Plymouth, be, and hereby are confirmed and made valid, and the conveyance of the estate of the said William, by the said Calvin, shall be as good and valid in law, to all intents and purposes, as if the administrator had, previous to the time of the sale of the real estate of said deceased, given bonds to the Judge of Probate for said county, as are required by law in such cases.

## CXXXVIII.

*Resolve directing the Courts of Common Pleas in the several counties, to appoint Commissioners to settle the county Treasurer's accounts. February 28, 1811.*

*Resolved*, That the Justices of the Courts of Common Pleas in the several counties of this Commonwealth, at the term of said court holden next after receiving notice of this resolve, be directed to appoint three commissioners, whose duty it shall be to examine and audit the accounts of the Treasurer of such county for such length of time as they shall think proper, so far as may relate to any monies received by them for the use of the Commonwealth; and to make report thereon to the said Courts of Common Pleas, as soon as may be. And the said justices are hereby authorized and empowered to direct the said commissioners, in like manner, to examine and report upon the accounts of any person, who has been Treasurer of said

county. And the clerks of said courts are hereby directed to make out a certified copy of the report of said commissioners and transmit the same to the Secretary of this Commonwealth, that the same may be laid before the legislature. And the said commissioners are hereby authorized and empowered to send for persons and papers.

*Resolved*, That the Secretary of this Commonwealth be directed to transmit a copy of the foregoing resolve, as soon as may be, to the clerks of the Courts of Common Pleas in each county in this Commonwealth.

## CXXXIX.

*Resolve granting one hundred dollars to Jacob Kuhn.*  
*February 28, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury to Jacob Kuhn, messenger of the General Court, the sum of one hundred dollars, which, with the sum allowed him by a resolve of the 15th of June last, shall be in full for his services for the present year, ending the thirtieth day of May next.

## CXL.

*Resolve on the petition of Samuel Swan, Esq. February 28,*  
*1811.*

Whereas a board of commissioners were appointed by the legislature of this Commonwealth, in March last, to settle the lottery accounts with the managers of the Amoskeag Canal Lottery, and said board were directed to report the balance of each manager's account to the Solicitor General, and he to collect such balances as should be so reported due to the lottery, and place the same in the treasury of said Commonwealth; but no provision is therein made for the Treasurer to pay any manager who shall be reported by said board to be creditor of said lottery.

And whereas, said board of commissioners did find and report a greater balance due from said lottery unto Samuel Swan, Esq. one of said managers, than they reported against the other managers. Therefore,

*Resolved*, That the Treasurer of said Commonwealth be, and he is hereby directed to pay what money he shall receive of the

Solicitor General as aforesaid, unto said Samuel Swan, Esq. taking his receipt therefor, toward the balance already reported by said commissioners due to him from said lottery.

## CXLI.

*Resolve authorizing the Governor to appoint commissioners to the Penobscot Indians. February 28, 1811.*

*Resolved*, That his Excellency the Governor, with the advice and consent of Council, be, and he hereby is authorized to nominate and appoint one or more suitable persons, not exceeding three, as a board of commissioners to induce the Penobscot tribe of Indians to cultivate their lands, teach them the arts of husbandry, supply them with farming utensils, and use such other measures as they may consider expedient to ameliorate the condition of said tribe.

*Be it further resolved*, That there be paid out of the treasury of this Commonwealth, to said commissioners, five hundred dollars, to be applied by them to the purposes aforesaid. And his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the same.

## CXLII.

*Resolve making an appropriation for the State Prison, of \$10,000 February 28, 1811.*

*Resolved*, That his Excellency the Governor, by and with the advice of Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth, in favour of the superintendent of the State's Prison for such sums, at such periods as may be deemed expedient by the Governor and Council, not exceeding ten thousand dollars, to enable said superintendent to perform his contract and defray the expenses of said prison, the present year; he to be accountable for the same.



## CXLIII.

*Resolve in favour of Josiah Dwight, Esq. February 28, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth the sum of fifty dollars to Josiah Dwight, Esq. late Treasurer of this Commonwealth, in full for time, service, expenses, and travel, in adjusting and settling his accounts as such Treasurer, with the committee of the General Court; and his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the sum aforesaid.

## CXLIV.

*Resolve on the petition of Elizabeth Trask. February 28, 1811.*

On the petition of Elizabeth Trask, late of Northport, in the county of Hancock, praying for an indemnification for her trouble and expenses in boarding, nursing, and furnishing with necessary supplies, Thomas Eustis, a poor foreigner, from January 26th to March 16th 1810.

*Resolved*, for reasons set forth in said petition, There be allowed and paid out of the public treasury to the said Elizabeth Trask, the sum of one hundred and nine dollars and eighteen cents, in full for her said trouble and expenses.

## CXLV.

*Resolve for paying the committee appointed to make and report a Tax Bill. February 28, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury to the committee who were appointed to make and report a Tax Bill the present session of the General Court, for their services, the sums annexed to their names respectively, in addition to their pay as members of the Legislature, viz:

Benjamin Greene—five days, five dollars.

Nathan Fisher—five days, five dollars.

Silas Holman—ten days, ten dollars.

## CXLVI.

*Resolve granting compensation to Bradish Billings and others, for summoning witnesses before the Committee of Elections. February 28, 1811.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Bradish Billings, twenty-three dollars, to George Jackson, twenty-four dollars and thirty cents, to Moses Thayer, ten dollars and eighty cents, to Levi Joy, ten dollars and eighty cents, and to Benjamin Leeds, ten dollars and eighty cents, for summoning witnesses before the committee of elections, and that his Excellency the Governor be, and he is hereby authorized to draw his warrant on the treasury for the payment of the several persons before named, respectively.

## CXLVII.

*Resolve granting \$60 to Thomas Wallcut, for extra writing in the Recess. February 28, 1811.*

*Resolved*, That sixty dollars be granted and paid out of the public treasury, to Thomas Wallcut, in full for writing done for the House of Representatives, in the recess of the Legislature, according to his account herewith exhibited.

## CXLVIII.

*Resolve on the petition of Samson Woods, authorizing the Attorney General to defend him against the claims of James Martin. March 12, 1811.*

On the petition of Samson Woods, administrator on the estate of Henry Woods, late of Pepperell, in the county of Middlesex, Esq. deceased, praying for the assistance of this Commonwealth, in defence of certain suits brought by James Martin, to recover possession of certain lands in Townshend, in said county, which were conveyed by this Commonwealth to the said Henry Woods, in his life time with warranty.

*Resolved*, for reasons set forth in said petition, That the Attorney General of this Commonwealth be, and he hereby is authorized to appear on behalf of said Commonwealth, in all

the suits now depending in the county of Middlesex, brought by the said James Martin against said Samson Woods and others, claiming under the said Henry Woods respectively, for the recovery of parts of said lands, conveyed to said Henry Woods, as aforesaid, and to examine into the title of said James Martin to said lands. And the said Attorney General is hereby authorized and required, if he shall think it expedient, to defend against the claim of the said Martin, and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

*And it is further resolved*, That his Excellency the Governor, by and with the advice and consent of the Honourable Council, be, and he hereby is authorized and requested to issue his warrant on the treasury, for such sum, not exceeding three hundred dollars, as the said Attorney General shall apply for, to defray the necessary expenses of any of the services hereby required, for which sum he is to be accountable.

## CXLIX.

*Resolve on the petition of Lemuel Petts, authorizing the Attorney General to defend him against the claim of James Martin. March 12, 1811.*

On the petition of Lemuel Petts, praying for the assistance of the Commonwealth, in defence of certain suits brought by James Martin to recover possession of certain lands in Townshend, in the county of Middlesex, which were conveyed by the Commonwealth to the said Petts, with warranty.

*Resolved*, for reasons set forth in said petition, That the Attorney General of this Commonwealth be, and he hereby is authorized to appear on behalf of this Commonwealth, in the suits now depending in the county of Middlesex, brought by the said James Martin against the said Lemuel Petts and others, claiming under him respectively, for the recovery of parts of said lands, conveyed to the said Petts, as aforesaid, and to examine into the title of said Martin to said lands. And the said Attorney General is hereby authorized and required, if he shall think it expedient, to defend against the claim of the said Martin to said lands, and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

*And it is further resolved,* That his Excellency the Governor, by and with the advice and consent of the Honourable Council, be, and hereby is authorized and requested to issue his warrant on the treasury, for such sum not exceeding two hundred dollars, as the said Attorney General shall apply for, to defray the necessary expenses of any of the services hereby required, for which sum he is to be accountable.

## ROLL No. 64....February, 1811.

THE Committee on accounts having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively; which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned; which is respectfully submitted.

NATHAN WILLIS, *Per Order.*

## PAUPER ACCOUNTS.

Town of Abington, for boarding and clothing Thomas Seymore to 28th January, 1811,	\$43 50
Adams, for boarding, clothing, and doctoring Freeman Blakeley, Anna Warren, Susanna Camp, and Dailey's two children, to the 9th of January, 1811, and Abiah Whitman to the time she left the town,	160 33
Attleborough, for supplies for Elizabeth Taylor and daughter to 3d January, 1811, John Combs and David Simpson's wife to the time of their leaving the Commonwealth.	59 61
Andover, for boarding, clothing, and doctoring Patrick Kallahan and Joseph Lummers to February 1st, 1811, and William Richardson to the time he left the town,	143 62
Adams Samuel, for doctoring sundry state paupers in Wiscasset Gaol to February 1, 1811,	55 2
Boston, Board of Health, for supplies of wood, and repairing the boat, for the use of the Hospital, at Rainsford's Island, to 18th February, 1811,	138 70
Bowdoin, for clothing, nursing, and doctoring Eleanor Whitecomb and child to the time she left the town,	21
Buckstown, for boarding, clothing, and doctoring George Clarkson, until he left the Commonwealth,	39 57
Baldwin, for boarding Daniel Hickey to 1st January, 1811,	36 30
Bridgewater, for boarding and clothing sundry paupers to February 21, 1811, including funeral charges for Michael Ryan,	156 40

Bristol, for boarding and doctoring Joa Lewis to to the time of his death, including funeral charges,	\$10 66
Brimfield, for boarding, clothing, and doctoring John Christian to 28th January, 1811.	50 85
Brookfield, for boarding, clothing, and doctoring George Baslington to 1st February, 1811, and Thomas Boyd and David Smith to the time of their death, including funeral charges,	96 97
Barnardston, for boarding and clothing Oliver Stevens to 14th January, 1181,	33 60
Billerica, for boarding, clothing, and doctoring Mi- chael Taylor to 12th February, 1811, and William Love and wife to the time of their death, including funeral charges,	228 50
Becket, for boarding, clothing, and doctoring Sally Leonard and Hiram Leonard to 5th February, 1811.	74
Bradford Samuel, sheriff of the county of Suffolk, for supporting poor debtors in gaol, to 6th Feb. 1811,	505 93
Brookline, for supporting Jacob Harvey to 15th February, 1811,	64 10
Beverly, for boarding, clothing, and doctoring sundry paupers to 1st February, 1811,	602 77
Blandford, for boarding and clothing Samuel Walker to 1st February, 1811,	37 55
Boston, for boarding and clothing sundry paupers to 1st December, 1810,	6348 69
Boston, Board of Health, for boarding, nursing, and doctoring sundry paupers on Rainsford's Island to 12th January, 1811,	331 3
Bradford, for boarding and doctoring William Kelley, and for removing him out of the Commonwealth,	35
Cheshire, for boarding and clothing Sally Cooper, and supplies for Alfred Joice, to 9th January, 1811,	47 45
Carlisle, for boarding and clothing Robert Barber to 20th January, 1811,	50 80
Chelmsford, for boarding, clothing, and doctoring Catherine M'Clenney to 1st January, 1811,	45 50
Cape Elizabeth, for boarding Abraham Bricks and James Ramsbottom to 8th January, 1811,	90 75
Clarksburgh, for boarding and clothing Abiah Whit- man to 28th January, 1811,	16 10
Columbia, for boarding and nursing Robert Martin to the time of his death, including funeral charges,	71

Charlton, for boarding, clothing, and doctoring Edward Maddon to 1st January, 1811,	\$65 40
Colerain, for boarding, clothing, and doctoring Sally Lamoneer and Polly Gardner's two children to 21st January, 1811,	98 2
Cambridge, for boarding, clothing, and doctoring James Barker and John Wilkins to 27th January, 1811, Jura Crofts, Joanna Christian, Elizabeth Romain, Abel Kingsbury, Mary Randall, and John Whiting, till they left said town, and Joseph Davis, Joseph Scott, Charles Crane, Calvin Shead and Moses B. Merrick, poor debtors in gaol.	277 23
Charlestown, for boarding, clothing, and nursing sundry paupers, to 11th February, 1811,	144 75
Concord, for boarding, clothing and doctoring George Black to 15th August, 1810, Case, a black man, to 11th February, 1811, Francis Legross to the time of his death, including funeral charges, Thomas Harvey, Joseph Dakin, Joshua L. Cozzens, Asahel Page, Jack Williams, and Brown Smith, poor debtors in gaol,	140 27
Cushing, for boarding and clothing James Walker to 2d February, 1811,	9 90
Dedham, for boarding, clothing, and doctoring Robert Clew to 5th March, 1810, and Eleanor Carrol to the time of her death, including funeral charges,	64
Deerfield, for supplies to George Roberts to 23d January 1811,	21 16
Dogget Samuel, keeper of the gaol in Dedham, for boarding and clothing James Hatchel, a lunatic, and Azor Cogswell to 3d February, 1811,	122 30
Douglas, for boarding, clothing and doctoring Betsey Trifle to 5th February, 1811.	60 80
Danvers, for boarding, clothing, and doctoring sundry paupers to 5th February, 1811.	524 22
Dunstable, for boarding, clothing, and doctoring Margaretta Lane to 10th February, 1811,	68 3
Dracut, for boarding and clothing Lucy Jaquith, and supplies and doctoring Richard Baker, to 11th February, 1811,	116 95
Dorchester, for boarding and clothing John Harrison and Lydia Wyman's child to 3d February, 1811,	85 60

Dover, district, for boarding, clothing, and doctoring Daniel Waters to 13th January, 1811,	\$118 30
Deblois George, keeper of the Alms House in Boston, to 1st December, 1810,	413 55
Egremont, for boarding and clothing Mary, Elizabeth, Joseph, and Benjamin Dailey, and Benjamin Randal, to 14th January, 1811,	309 84
Eastport, for boarding and doctoring Robert Hopkins and Elisha Nevers to the time they left the Commonwealth,	88 16
Edgarton, for boarding and clothing Anthony Chadwick to 23d January, 1811,	73 75
Edgcomb, for boarding and doctoring Archibald Campbell to the time he left the Commonwealth,	33
Easton, for supporting and doctoring Edward Johnson to the time of his death, including funeral charges,	38 74
Easthampton, for boarding John Hall to 6th Feb. 1811,	36
Fayette, for boarding, clothing, and doctoring William G. Martin to 1st January, 1811,	62 57
Falmouth, in the county of Barnstable, for boarding and clothing Edward Edwards to 19th Jan. 1811,	26
Framingham, for boarding and clothing, Hugh Mac Pherson to 2d February, 1811,	58 85
Falmouth, in the county of Cumberland, for boarding, clothing, and doctoring John Goodale and Felix Sang to 1st January, 1811,	200 8
Gorham, for boarding and clothing Robert Gelfilling to 1st February, 1811,	78
Groton, for boarding, clothing, and doctoring John C. Wright and wife, widow Bentrott, William Lapiere and wife, and Elisha Hoit, to 10th January, 1811,	440 54
Greenwich, for boarding, clothing, and doctoring John Howard, William Rice, Elizabeth Harrington, John Bailey and wife, Jonathan Bailey and family, and James Bailey, to 14th January, 1811, including funeral charges for John Bailey's wife, and Lot Lee to the time he left the Commonwealth,	214 62
Granby, for boarding, clothing, and doctoring Ebenezer Darwin to 28th January, 1811,	60 94
Gill, for boarding, clothing, and doctoring Sarah Hambleton, and Samuel Lyon and wife, to 25th January, 1811,	119 26



Great Barrington, for boarding, and clothing Isaac Catherine and Mary Hoose, John Whitter, Clarissa Lindsay and Anna Rathbone, to 26th January, 1811,	\$230 82
Greenfield, for boarding, clothing, and doctoring Eunice Converse and Nabby Lamonier to 22d January, 1811,	128 63
Gloucester, for boarding, clothing, and doctoring sundry paupers to 10th November, 1810,	845
Granville, for boarding and clothing George Taylor and Archibald Stewart to 1st January, 1811,	109 37
Hinsdale, for boarding, clothing, and doctoring Samuel J. Robinson and family to 15th January, 1811,	13 19
Hancock, for boarding and clothing Rebecca Osborne to 15th January, 1811.	39 88
Hudson John, under keeper of the gaol in Salem, for boarding sundry poor debtors confined in gaol for debt, to 7th January, 1811,	372 16
Hodgkins Joseph, keeper of the house of correction in Ipswich, for boarding and clothing Mary Adelaide, black woman, Huldah Hicks, John Squires, James Cahoon, and Josiah Bennington, to 31st January, 1811.	264 60
Hadley, for supplies and doctoring Friday and wife to 31st December, 1811, and Mary Andross to the the time of her death, including funeral charges,	95 98
Hallowell, for boarding, clothing, and doctoring Rachel Cummings, Lois and Almira Powers, James Caruth, Judith Davis and three children, to 16th January, 1811, and Rachel Powers to the time of her death, including funeral charges,	423 80
Haverhill, for boarding, clothing, and doctoring William Tapley, Henry Spoilet, and Samuel Emerson, to 1st January, 1811,	181 15
Ipswich, for boarding, clothing and doctoring John Obrian, Thomas Tool, Peter Alston, and Daniel Galligen, to 1st February, 1811,	187 50
Kittery, for boarding and clothing Sarah Perkins, Deborah Perkins and child, to 1st January, 1811,	117
Little Moses, for doctoring State prisoners confined in Salem gaol, to 1st January, 1811,	20
Lenox, for boarding and clothing Abraham Palmer and Simon Hanchet to 12th January, 1811,	54 13

Lincolnvillc, for boarding and clothing Timothy Cox and Alexander White to 10th January, 1811,	\$110 80
Limington, for boarding and clothing John Orian to 1st January, 1811,	67 60
Lunenburg, for boarding and clothing Felix Tool to 25th January, 1811,	56 13
Leyden, for boarding, clothing, and doctoring Jedidiah Fuller and wife, Ruth Able, and Elizabeth Waggoner, to 20th January, 1811,	106 58
Lee, for supplies and doctoring Jonathan Blackman and wife to 29th January, 1811,	41 68
Lancaster, for boarding and clothing William Shearer, James Castor, and Abigail Phelps, to 7th January, 1811,	102
Leicester, for boarding and doctoring Lydia Dunham, including her funeral charges,	39 81
Litchfield, for boarding and clothing Daniel Howard and wife, and Frederick Howard, to 1st February, 1811,	104 50
Lynn, for boarding, clothing, and doctoring John Batis, Nancy Carter and child, Josiah Miller and wife, John Lahoo, Josiah Chase, Sally Wilkins, to 8th February, 1811, James M'Gawen, and Sally Wilkins' child to the time of their death, including funeral charges,	586 67
Lincoln, for boarding and clothing Thomas Pocock to 8th February, 1811.	86 55
Littleton, for boarding and clothing John Putnam to 13th February, 1811,	101
Manchester, for boarding and clothing Thomas Douglas to 2d February, 1811,	71 75
Mount Vernon, for boarding and clothing David Basford to 11th January, 1811,	96 98
Medway, for doctoring Eliud Patch to the time of his leaving the Commonwealth,	20 54
Milton, for boarding and clothing sundry paupers to 16th February, 1811	154 80
Machias, for boarding, clothing, and doctoring John Gardner to 25th December, 1810, and Owen Clancey to the time he left said town,	257 93
Methuen, for supplies and doctoring Thomas Pall to 1st January, 1811,	85

Marblehead, for boarding, clothing and doctoring, sundry paupers to 6th February, 1811,	8739 83
Manning Thomas, for doctoring James Cahoon in the House of Correction at Ipswich to 3d February, 1811,	16 80
Marshfield, for boarding and clothing Phillis Mitchell to 15th May, 1810,	67 60
New Bedford, for boarding and clothing Peter Conner, John Almy and two children, William Mackay, Irene Willis, to 18th January, 1811,	157 24
North Yarmouth, for boarding, clothing, and doctoring William Elwell and William Campbell to 1st January, 1811,	114 82
New Marlborough, for boarding and doctoring David Gardner and Jane Peters to 16th January, 1811,	29 4
Northfield, for boarding, clothing, and doctoring Richard Kingsbury to 25th January, 1811,	78 75
Newbury, for boarding, clothing, and doctoring sundry paupers to 1st January, 1811,	1224 55
Newburyport, for boarding, clothing, and doctoring sundry paupers to January 1st, 1811,	1413 4
Northampton, for boarding, clothing, and doctoring William Welsh, Caroline Robbins to 1st February, 1811, Elizabeth Davis, Andrew Severen, Lemuel Calver and family, and supplies to John Sax to 1st May 1810, and James Barry to the time of his death, including funeral charges	349 3
New Gloucester, for boarding and clothing Joseph Gregory and John May to 11th February, 1811.	96 54
Nantucket, for boarding, clothing, and doctoring James Plato and Eleanor Jones, including funeral charges,	102 40
Oxford, for boarding, clothing, and doctoring Catharine Jordan to 1st January, 1811,	67 00
Peru, for supporting and doctoring James Robbins and family to 16th January, 1811,	107 60
Penobscot, for boarding and clothing Thomas Slack to 22d December, 1810,	31 66
Portland, for boarding, clothing, and doctoring sundry paupers, to 1st January, 1811,	1414 41
Pittsfield, for boarding, clothing, and doctoring Peter Huen, Jonathan Spear, William H. Clark, and Elisha Austen to 22d January, and Polly Thurston	

to 3d February, 1811, Charles Bailey to the time of his death, including funeral charges,	\$201 90
Palmer, for boarding, clothing, and doctoring William Mendon and wife to 5th January, 1811,	136 51
Quincy, for boarding, clothing, and doctoring Wm. Olephant to 6th February, 1811,	77 47
Rowley, for boarding and clothing Ella Collins to 1st January, 1811,	56 80
Rehobeth, for boarding, clothing, and doctoring Elizabeth Crosby, and Leaf Mason and child, to 30th January, 1811,	138 16
Russell, for supplies to John Newton and wife until he left said town,	7 42
Rutland, for boarding, clothing, and doctoring Wm. Henderson, John Cowling, and Boswell Farrar to 20th January, 1811, and the wife of William to the time of her death, including funeral charges,	262 77
Rowe, for boarding and clothing Betsey Carpenter to 30th January, 1811,	18
Roxbury, for boarding, clothing, and doctoring sundry paupers to 3d January, 1811,	336 29
Reading, for boarding, clothing, and doctoring Samuel Bancroft and Thomas Grant to 25th January, 1811,	217 69
South Hadley, for supplies and doctoring Peter Pendergrass to 6th January, 1811,	71 16
Swansey, for boarding, clothing and doctoring Thomas Colony to 18th January, 1811, and Priscilla Washunks to the time of her death, including funeral charges,	91 81
Stockbridge, for boarding and clothing Marcy Doud, Sarah Hosford, Jeremiah Elky, and Celia Pitt, to 5th December, 1811,	175 40
Saco, for boarding and doctoring John Dunham to 22d January, 1811, and James Bonnit and George Dolby to the time of their death, including funeral charges,	62 63
Sherburne, for boarding, clothing, and doctoring Benjamin Houghton to 29th January, 1811,	56
Shrewsbury, for boarding clothing, and doctoring Stephen Jones, Sally Taylor and two children, to 25th January, 1811,	56 12
Sturbridge, for supplies to James Basston to 24th January, 1811,	43 12

Salem, for boarding clothing and doctoring sundry paupers to 6th January, 1811,	\$1313 25
Sandisfield, for boarding, clothing, and doctoring Elizabeth Dando, Richard Dickson, Mary Rogers, Theodore Murphet and child, to 14th January,	116 6
Sheffield, for boarding and doctoring Abraham Hom- ister to the time he left the Commonwealth, Wil- liam Magee, and Guy, a negro, to the time of their death, including the funeral charges,	166 93
Somerset, for boarding and clothing William Elliot to 1st January, 1811,	48 48
Sandwich, for boarding and clothing Richard Cranch to 13th January, 1811,	38 80
Sidney, for boarding and clothing Henry Lyons to 2d January, 1811,	26 8
Sharon, for boarding and clothing Stephen Hood to 21st January, 1811,	100 57
Sudbury, for boarding and clothing John Wrighton to 12th February, 1811,	72 40
Standish, for boarding and clothing Ellis Noble to 6th January, 1811,	68 25
Shirley, for supplies for Roderick M'Kensy and wife and Samuel Cox, to 29th January, 1811,	130 16
Southwick, for boarding and clothing George Reed to 1st January, 1811,	81 16
St. George, for boarding and clothing Robert Hawes, Eleanor Matthews, and William Benson, to 3d February, 1811,	85 75
Sterling, for boarding, clothing, and doctoring John Pike and Joseph Hyde to the time of their death, including funeral charges,	86 78
Tyringham, for boarding, clothing, and doctoring Ralph Way to 1st January, 1811,	60 33
Taunton, for boarding, clothing, and doctoring Ed- mund Shores, Emanuel Disnos, Hannah Goffe, and Robert Wilson, to 27th 1810, house rent for John Shores to the same time, Henry Ash to the time of his death, including funeral charges, and Seat Fuller, and Charles Pinkney, poor prison- ers, in gaol, for debt,	304 80
Topsham, for boarding, clothing, and doctoring Wil- liam Proctor to 28th January, 1811,	62 75
Vassalborough, for boarding, clothing, and doctoring	

James Leister and Abigail Fairbrother to 31st January, 1811,	\$103 32
Ward, for boarding, clothing, and doctoring John Clark, and removing him out of the Commonwealth,	7 25
Wrentham, for boarding, clothing, and doctoring Patrick Smith to 24th January, 1811,	6
West Stockbridge, for boarding and clothing Lucy Lane to January, 1811, and Samuel Vanoselen until he left the town,	84 31
Westfield, for supplies to John Newton and wife to 26th January, 1811,	18 19
Windsor, for boarding and clothing Henry Smith and wife to 16th January, 1811,	66
Warwick, for boarding, clothing, and doctoring Samuel Griffiths to the time of his death, including funeral charges,	45 12
Williamstown, for boarding, clothing, and doctoring Robert Morril, Stephen Blew, Charles M'Cartha, and Rachel Galusha, and supplies for John Hendersass, to 15th January, 1811,	222 10
Winthrop, for boarding, clothing, and doctoring Olive Howard and William Gaskell to 4th January, 1811,	123 75
West Springfield, for boarding, clothing, and doctoring William Bell and James Aldrich to 23d January, 1811,	92 68
Washington, for boarding and clothing Phebe Clark to 13th October, 181,	20
Worcester, for boarding, clothing, and doctoring Peter Willard, Henry Bratz, Sally Melville, James Campbell, and William Joblin, to 1st January, 1811, and William Chase, Olney Edwards, Hector Brown, and William Stiles, poor debtors in gaol, to 6th February, 1811,	236 73
Warren, for supporting William Moorman to 4th January, 1811,	52
Westford, for boarding, clothing, and doctoring Philip Jackson and Christopher Shepherd to 21st February, 1811,	105 15
Westhampton, for boarding and clothing Lemuel Calver and family to 25th January, 1811,	97 63
Woburn, for boarding and clothing John and William Lynham to 18th February, 1811,	57 70

Williamsburgh, for boarding Caroline Robbins to 14th February, 1811,	822
York, for boarding, clothing, and doctoring sundry paupers to 8th February, 1811,	764 35
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Total paupers,	\$31,846 10

*MILITARY ACCOUNTS.**Courts Martial and Courts of Inquiry.*

Blish Joseph, jun. for the expense of a Court Martial, held at Sandwich, in December, 1810, Col. Abial Washburn, President,	\$110 54
Barstow Samuel, for the expense of a Court Martial, held at Worcester, in November and December, 1810, and February, 1811, Joseph Farnsworth, President,	503 9
Clap Jeremiah, for the expsnse of a Court Martial, held at Charlestown, in August and September, 1810, Jonas Buttrick, President,	299 41
Donnison William, for expense of a Board of Officers held at Charlestown, November 20, 1810, General George Ellis, President,	84 93
Donnison William, for the expense of a Board of Officers, at Falmouth, September 24, 1810, General John Chandler, President,	84 53
Hoyt Epaphras, for the expense of a Court Martial, held at Northampton, December 1809, Roger Leavit, President,	205 48
Thayer Samuel M. for the expense of a Court of En- quiry, held at Randolph, in September and October, 1810, Jedediah Lincoln, President,	32 22

*Brigade Majors and Aids-de-Camp.*

Barstow Sumner, to 21st January, 1811,	59 30
Blish Joseph, jun. to 26th December, 1810.	32 25
Curtis Jared, to 14th January, 1811,	17 75
Crane John T. to 1st March, 1810,	20
Clap Jeremiah, to 26th February, 1811,	115 10
Dwight William H. to 29th January, 1811,	23
Dutch Ebenezer, to 1st January, 1811,	65 22

Elwell Robert, to 10th February, 1811,	\$149 31
Fisher Jacob, to 1st January, 1811,	55 65
Goddard William, to 4th February, 1811,	103 30
Greenleaf Samuel, to 15th January, 1811,	118 7
Goodwin Ichabod, to 1st January, 1811,	31 50
Hamlin Hannibal, to 1st January, 1811,	55 86
Howard Samuel, to 24th January, 1811,	116 72
Hoyt Epaphras, to 14th January, 1811,	67 17
Howe Estes, to 25th February, 1811,	30 90
Hammit William, to 13th February, 1811,	125 87
Hayward Nathan, to 1st January, 1811,	31 50
Rest John to 7th February, 1811,	42 75
Tilden T. B. to 2d February, 1811,	62 50
Talbot Peter, to 31st December, 1810,	105 37
Thayer Minot, to 7th February, 1811,	57 20
Thayer Samuel M. to 7th February, 1811,	155 25
Wood Sampson, to 11th February, 1811,	98 20
Whiting Timothy, to 1st January, 1811,	85 75
Parker Daniel, to 25th February, 1811,	10 42

*Adjutants.*

Arms Pliny, to 1st January, 1811,	29 96
Allen Elisha, to 1st January, 1811,	15 80
Allen C. Shubael, to 2d February, 1811,	66 49
Adams Moses, to 1st January, 1811,	34 67
Bucklin Joseph, to 1st January, 1811,	28 85
Brown Benjamin, to 1st January, 1811,	7 50
Backus Zenas, to 1st January, 1811,	72 73
Bradley Enoch, to 1st January, 1811,	11 59
Buttrick Tilly, to 11th February, 1811,	35 72
Burdick William, to 14th February 1811,	122 88
Barry William, to 14th February 1811,	113 10
Brown Azor, to 8th January, 1810,	26 21
Brooks Aaron, to 1st October, 1809,	5 72
Cushman James, to 10th December, 1810,	19 63
Colburn Nathaniel jun. to 1st January, 1811,	5 50
Clark Joseph, to 1st January, 1811,	56 61
Callender Benjamin, to 1st January, 1811,	15 51
Dickman Frederick, to 4th February, 1811,	38 49
Draper William, to 2d January, 1811,	24 70
Fisk Ezra, to 1st January, 1811,	55 92
Frost Timothy, to 4th June, 1810.	10 85



Field Seth, to 15th June, 1810,	\$14 10
Getchell Ephraim, to 1st January, 1811,	62 25
Gates Isaac, to 1st January, 1811,	32 10
Haggens Benjamin, to 21st January, 1811,	7 63
Holmes Bartlett, to 1st January, 1811,	19 13
Hodsdon Isaac, to 3d January, 1811,	32 72
Hartshorn James, to 1st February, 1811,	27 11
Holland Samuel, to 11th February, 1811,	65 80
Harrington Joseph, to 1st February, 1811,	55 1
Hosmer Rufus, to 1st January, 1811,	8 32
Hight William, to 10th January, 1811,	62 39
Jewett Jesse, to 12th January, 1811,	36 13
Jellison Nathaniel, to 30th May, 1810,	26 66
Ingraham Frederick W. to 14th February, 1811,	104 75
Jaques Samuel, to 16th February, 1811,	80 62
Kingman Simeon, to 12th January, 1811,	15 17
Kellogg Giles C. to 1st January, 1811,	28 21
Libby Nathaniel, to 18th January, 1811,	24
Lewis Lyman, to 18th January, 1811,	24 5
Lewis Philo, to 14th December, 1810,	3 51
Larrabee William, to 28th January, 1811,	22 3
Marston Jonathan, to 1st January, 1811,	48 31
Munroe William, to 1st January, 1811,	13 15
Maxwell Sylvester, to 3d October, 1810,	29 69
Munroe Atherton, to 18th January, 1811,	12 51
Neil John G. to 1st January, 1811,	61 80
Needham Havey, to 28th January, 1811,	25 23
Nye John, to 23d January, 1811,	11 41
Norham Eli, to 1st January, 1811,	19 61
Orr Hector, to 21st January, 1811,	34 25
Ordway Nathan, to 8th January, 1811,	11 70
Payson Ebenezer, to 1st January, 1811,	31 18
Plummer Benjamin, jun. to 12th September, 1810,	43 80
Parker Joseph, to 1st January, 1811,	17 65
Pilsbury William, to 24th August, 1809,	7 49
Parker Henry, to 7th February, 1811,	39 50
Pilsbury Stephen, to 12th October, 1809,	4 63
Pope Ebenezer, to 10th January, 1811,	17 20
Page Jesse, to 1st January, 1811,	33 64
Ripley James, to 1st January, 1811,	12 14
Starr James, jun. to 18th January, 1811,	20 67
Stearns Thomas, to 31st May, 1810,	20 35
Sawyer William, to 1st January, 1811,	55 62

Sayls Richard, to 7th February, 1811,	\$41 35
Taft Hazleton, to 31st January, 1811,	37 50
Tucker Joseph, to 31st January, 1811,	27 28
Warren Preston, to 1st January, 1811,	30 32
Weston Jonathan D. to 1st November, 1810,	7 10
Ward William, to 20th June, 1810,	21 12
Williams John, to 1st January, 1811,	55 14
Williams Jonathan, to 1st January, 1811,	11 46
Wade Samuel, to 11th February, 1811,	15 69
White Jonathan, to 26th December, 1810,	9 25
Weston Samuel, to 1st January, 1811,	38 51
Wilder Merrick, to 10th February, 1810,	9 62
Williams John S. to 18th February, 1811,	122
Cornel Philip, to 6th February, 1811,	15 35
Wild Jonathan, to 16th January, 1811,	83 96

*Brigade Quarter Masters.*

Campbell Archibald, to 1st January, 1811,	21 45
Everett Gilbert, to 1st January, 1811,	16 35
Garrett Andrew, to 1st January, 1811,	15 80
Norton Winthrop B. to 1st January, 1811,	27 60
Rossetter Samuel, to 1st January, 1811,	13 55
Walker Timothy, to 1st February, 1811,	22 50
Whitney Lambert, to 1st January, 1811,	27 35

*Expense for Horses, to haul Artillery,*

Buttrick Horatio G. to 30th January, 1811,	10
Crittendon Simeon, to 1st January, 1811,	7 50
Clemmence Calvin, to 1st January, 1811,	5
Harris Elisha, to 28th December, 1810,	7 50
Harris William, to 9th February, 1811,	10
Lincoln Thomas, to 1st January 1811,	5
Lewis James, to 4th February, 1811,	6
M'Clallen Robert, to 3d October, 1810,	4
Mather John, to 20th January, 1811,	5
Makepeace William, to 23d January, 1811,	5
Miller Jacob, to 1st December, 1810,	5
Nye Samuel, to 16th December, 1810,	30
Needham Aaron, to 20th February, 1811,	10
Peabody Jacob, to 1st January, 1811,	6
Penniman Samuel, to 1st January, 1811,	3 50

Patterson David, to 1st January, 1811,	\$ 5
Parker Nathan, to 29th October, 1810,	20
Rust Asael, to 19th January, 1811,	7 50
Roulstone Andrew, to 1st January, 1811,	10
Selden Calvin, to January, 1811,	3
Smith George S. to 1st January, 1811,	5
Sawyer George, to 27th December, 1810,	6 50
Smith Albert, to 11th October, 1809,	5
Spauldin Thomas, to 1st January, 1811,	5
Stone Martin, to 1st January, 1811,	5
Saunderson Henry, to 1st February, 1811,	6 25
Thayer Zebediah, to 11th September, 1810,	8
Wheeler Samuel, to 8th January, 1811,	16 50
Warren Moses, to 1st January, 1811,	7 50
Wales Stephen, to 19th February, 1811,	6 25
Webster Elijah C. to 1st January, 1811,	6
Noyes David, to 30th January, 1811,	6
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Total Military,	\$6196 19

*SHERIFFS' AND CORONERS' ACCOUNTS.*

Arms George, for taking inquisition on the body of David Blodget, 24th January, 1811,	\$17 20
Bartlett Bailey, for returning votes for Governor, &c. Senators, and Representatives to Congress, to 29th January, 1811,	14 40
Blake Edward, for expense of an inquisition on the body of Aaron Hamlet, 20th May, 1810,	23 32
Buckmore Thomas, for expense of an inquisition on the body of a stranger, at Northport, on 17th June, 1810,	22 20
Chandler John, for returning votes for Governor, Lieutenant Governor, and Representatives to Congress, to 1st February, 1811,	50 40
Crane Elijah, for returning votes for Representative to Congress, to 1st January, 1811,	3 40
Cooper John, for returning votes for Representative to Congress, to 1st January, 1811,	70
Goodwin Ichabod, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to 19th January, 1811,	35 50
Freeman James, for returning votes for Governor,	

Lieutenant Governor, and Representatives to Congress, to 1st January, 1811	\$38 40
Hawlin Hannibal, for returning votes for Representative to Congress, to 1st January, 1811,	34
Hunnewell Richard, for returning votes for Governor, Lieutenant Governor, and Representatives to Congress, to 1st January, 1811,	35
Lang William, for expense of an inquisition on the body of James Follingsby, 4th October, 1810,	14 55
Lawrence Jeremiah, for returning votes for Representative to Congress, to January, 1811,	27
Leonard Horatio, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, and for expense of apprehending John Butler and William Gormon, prisoners who escaped from the gaol in Taunton, to 1st February, 1811,	82 85
Keyes Jonathan, for taking inquisitions on the body of a person by the name of Ranal, on 15th June, 1810.	16 41
Learned Simon, for returning votes for Representative to Congress, in November, 1810,	28
Matoon Ebenezer, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to 1st January, 1810,	25 20
Sawtell Richard, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to 11th January, 1811,	61 61
Ulmer George, for returning votes for Governor, Lieutenant Governor, and Representative to Congress, to January, 1811.	66 64
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Total Sheriffs' and Coroners',	\$665 88

### *PRINTERS' ACCOUNTS.*

Allen William B. for publishing acts and resolves to 1st July, 1810,	\$16 67
Adams & Rhoades, for printing for the Secretary's office to January, 1811,	20 75
Allen Phineas, for publishing acts and resolves to 13th February, 1811,	16 67
Allen William E. for publishing acts and resolves to 1st August, 1810,	16 67

Butler William, for publishing acts and resolves to 1st January, 1811,	\$33 33
Cheever Nathaniel, for publishing the report of the Committee respecting Penobscot Bank,	10
Dickman Thomas, for publishing acts and resolves to 25th January, 1811,	16 67
French Ebenezer, for publishing documents respect- ing the late Treasurer Skinner's accounts,	12 50
Hall Samuel, for publishing the report of the Com- mittee respecting Penobscot Bank,	10
Park John, for publishing an act respecting the Kine Pox, agreeably to an order of the Legislature,	42
Shirley Arther, for publishing acts and resolves to 1st January, 1811,	16 67
Young & Minns, for printing the Governor's speech in June, 1810,	42
Munroe Isaac, for printing for the Secretary and Treasurer's office, and the General Court and Ad- jutant General's office, to 28th February, 1811,	1790 12
Total Printers,	<hr/> \$2044 05

*MISCELLANEOUS ACCOUNTS.*

Blake & West, for stationary supplied the Treasurer's office to 30th January, 1811,	\$100 1
Boyle John, for stationary for the Adjutant General's office to 15th January, 1811,	127 80
Bridge Matthus, John Wells, Benjamin Weld, Joseph Winn, and David Devans, Committee for settling with the Treasurer of the Commonwealth, June, 1810,	70
Burditt James W. for stationary furnished the General Court and Secretary's office to 16th February, 1811,	464 19
Blaney Henry, for labour done on the State House to 22d January, 1811,	51 50
Bradley David, for supplies for the State House to 18th February 1811,	112 24
Boston Glass Manufactory, for Glass for the State House to 1st February, 1811,	89 72
Breed Ebenezer, for a Stove for the State House, 9th January, 1811,	40 50

Durant William, for Glass for the State House to 2d February, 1811,	\$37 78
Grant Moses, for supplies for the State House to 20th January, 1811,	445 7
Chase Warren, for assisting the messenger to the General Court to 27th February, 1811,	60
Gore Samuel, for sundry articles for the State House to 28th January, 1811,	153 48
Harris Thomas, for clerk hire and oil for the use of the Treasurer's office to 31st January, 1811,	183 68
Howe John, for sundry articles for repairing the State House to 29th January, 1811,	294 50
Howe Joseph, for labour and supplies for the State House to 18th February, 1811,	81 85
Homer William, for sundry articles for the Representatives' chamber to 15th January, 1811,	27 75
Larkin Ebenezer, for stationary for the Secretary and Treasurer's office, and for the Supreme Judicial Court, to 15th February, 1811,	249 69
Lincoln Amos, for labour done on the State House to 12th February, 1811,	55 83
Loring Josiah, for supplies for the clerk of the Supreme Judicial Court to 16th February, 1811,	5
Root Samuel, for supplies and labour on the State House to 21st December, 1810,	54 13
Stedman Ebenezer, for supplying stationary to the Adjutant General's office to 28th January, 1811,	130
Spear Thomas, for keeping the Hospital on Rainsford Island to 14th February, 1811,	44 44
Lapham Sylvanus, for assisting the Messenger to the General Court to 27th February, 1811,	68
Perry John, for assisting the Messenger to the General Court to 27th February, 1811,	66
Sumner Thomas, in full for the service of the committee who superintended the repairs of the State House to 19th February, 1811,	48 92
Thompson James, for sundry articles, and labour for the State House to 29th January, 1811,	462 23
West David's heirs, for stationary for the Treasurer's office to 30th January, 1811,	10 33
Wells John and Benjamin, for sundry articles, for the Council chamber to 16th February, 1811,	5

Wheeler Josiah, for supplies and labour on the State House to 18th February, 1811,	\$907 70
Vose and Coates, for sundry supplies for the State House to 12th September, 1810,	63 70
Beals Samuel, for sundry articles for the Representatives' chamber to 11th February, 1811,	11 10
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Total Miscellaneous	\$4522 23

*Aggregate of Roll No. 64—February, 1811.*

Expense of State Paupers,	\$31,846 10
Do. Militia,	6196 19
Do. Sheriffs and Coroners,	665 88
Do. Printers,	2044 5
Do. Miscellaneous,	4522 23
	<hr/>
	\$45,274 45

*Resolved*, That there be allowed and paid out of the pulick treasury to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons' names respectively, amounting in the whole to the sum of forty-five thousand two hundred and seventy-four dollars and forty-five cents, the same being in full discharge of the accounts and demands to which they refer.

*In Senate, February 26, 1811,*

Read and accepted, and sent down for concurrence,

H. G. OTIS, *President*.

*In the House of Representatives February, 27, 1811,*

Read and concurred,

JOSEPH STORY, *Speaker*;

Council Chamber, February 27, 1811.

Approved.

E. GERRY.





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# CIVIL LIST

OF THE  
COMMONWEALTH OF MASSACHUSETTS,  
For the political year 1811—1812.

HIS EXCELLENCY,  
**ELBRIDGE GERRY, Esq. Governor.**

HIS HONOUR,  
**WILLIAM GRAY, Esq. Lieut. Governor.**

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 Jonathan Loring,  
 John G. Coffin,

Jonathan Whitney,  
 Samuel J. Prescott,  
 Lemuel Shaw,  
 Alexander Townsend,  
 James Savage,  
*Chelsea,* John Tewksbury,

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 Joseph White, jun.  
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 Nathaniel Frothingham,  
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*Beverly,* Thomas Davis,  
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*Beverly*, Robert Rantoul,  
           Nathaniel Goodwin,  
*Wenham*, John Dodge,  
*Hamilton*, Robert Dodge,  
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           Jonathan Cogswell, jun.  
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           Joseph Hodgkins,  
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           Joshua Jewett,  
*Newbury*, Josiah Little,  
           Silas Little,  
           John Osgood,  
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           Andrew Frothingham,  
           Jonathan Gage,  
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           Thomas Savory,  
*Boxford*, Parker Spafford,  
*Andover*, Thomas Kittredge,  
           John Cornish,  
           Joshua Chandler,  
*Middleton*, Asa How,  
*Topsfield*, Nathaniel Hammond,  
*Methuen*, Benjamin Osgood,  
*Haverhill*, Ebenezer Gage,  
*Amesbury*, Christopher Sargent,

*Salisbury*, Amos Morrill.

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           Joseph Miller,  
           William Austin,  
           Daniel Tufts,  
*Cambridge*, John Mellen,  
           Samuel P. P. Fay,  
           William Hilliard,  
*West Cambridge*, Samuel Butter-  
                           field,  
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*Malden*, Jonathan Oakes,  
           Jonas Green,  
*Medford*, Timothy Bigelow,  
           Nathaniel Hall,  
*Newtown*, Timothy Jackson,  
           Samuel Murdock,  
*Watertown*, Jonas White,  
           Thomas Clark,  
*Waltham*, David Townsend,  
*Weston*, Ebenezer Hobbs,  
*Lincoln*, Joshua Brooks,  
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*Sudbury*, William Hunt,  
*East Sudbury*, Jacob Reeves,  
*Natick*, Abel Perry,  
*Sherburne*, Calvin Sanger,  
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*Hopkinton*, Moses Chamberlain,  
*Framingham*, John Fisk,  
           John Trowbridge,  
*Marlborough*, John Loring,  
           Daniel Brigham,  
*Stow and } Augustus Tower,*  
*Boxboro' }*  
*Concord*, Joseph Chandler,  
           Stephen Barrett,  
*Bedford*, William Webber,  
*Burlington*,  
*Woburn*, Luke Reed,

*Stoneham*, Jabez Lynde,  
*Reading*, Timothy Wakefield,  
     Daniel Flint,  
     Adam Hawks,  
*Wilmington*, Samuel Eames,  
*Billerica*, Josiah Crosby, jun.  
*Tewksbury*, Jesse Trull,  
*Chelmsford*, Jonathan Perham,  
*Carlisle*, Paul Litchfield,  
*Westford*, Thomas Fletcher,  
*Acton*, Jonas Brooks,  
*Littleton*, Edmund Foster,  
*Groton*, Joseph Moors,  
     Thomas Gardner,  
*Dracut*, Daniel Varnum,  
*Dunstable*, Micah Eldredge,  
*Tyngsborough*,  
*Shirley*, John Egerton,  
*Pepperell*, Nehemiah Jewett, jun.  
*Townsend*, Samuel Brooks,  
*Ashby*, Amos Willington.

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*Northampton*, Jonathan Strong,  
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     Benjamin Tappan,  
*East Hampton*, Thaddeus Clap,  
*South Hampton*, Luther Edwards,  
*West Hampton*, Timo. Edwards,  
*Westfield*, Jedidiah Taylor,  
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*West Springfield*, Jonathan Smith,  
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     Elias Leonard,  
*Southwick*, Reuben Clark,  
     Shubael Stiles,  
*Granville*, Israel Parsons,  
     John Phelps,  
*Tolland*, Abraham Granger,  
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*Russell*,  
*Montgomery*, Aaron Parks,  
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*Middlefield*, David Mack,  
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*Whately*,  
*Deerfield*, Asa Stebbins,  
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*Conway*, John Williams.  
     David Childs,  
*Goshen*, Oliver Taylor,  
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     Thomas White,  
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*Hawley*, Zenas Bangs,  
*Buckland*, Enos Pomeroy,  
*Shelburne*, John Fellows,  
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*Leyden*, Hezekiah Newcomb,  
*Coburne*, David Smith,  
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*Charlemont*, Sylvester Maxwell,  
*Heath*, Ephraim Hastings,  
*Rowe*, John Wells,  
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     Oliver B. Morris,  
     Edmund Dwight,  
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     Stephen Warriner,  
*Brimfield*, Stephen Pynchon,  
     Philemon Warren,  
*Holland and* }  
*South Brimfield*, } Royal Wales,  
*Ludlow*, Sherwood Bebee,  
*Palmer*, Jesse King,  
*Ware*, William Bowdoin,  
*Greenwich*, Thomas Powers,  
*Belcherton*, Eliakim Phelps,  
     Eldad Parsons,



*Belcherton*, Wright Brigman,  
*Pelham*, James Abercrombie,  
*Granby*, Eli Dickinson,  
*Amherst*, Medad Dickinson,  
     Elisha Smith,  
*Hadley*, Samuel Porter,  
*South Hadley*, Ruggles Wood-  
     bridge,  
*Sunderland*, Nathaniel Smith,  
*Leverett*, Roswell Field,  
*Montague*, Medad Montague,  
*Wendell*, Clark Stone,  
*Shutesbury*,  
*New Salem*, Varney Pearce,  
*Northfield*, John Nevers,  
*Warwick*, Justus Russell,  
*Orange*, Josiah Cobb.

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     Barnabas Hedge, jun.  
     Nathaniel Spooner,  
     Joseph Bartlett, 3d.  
*Kingston*, John Thomas,  
*Duxbury*, Judah Aiden,  
*Marshfield*, Nathaniel Clift,  
*Pembroke*, Bailey Hall,  
*Bridgewater*, Daniel Mitchell,  
*Middleborough*, Thomas Weston,  
     Peter Hoar,  
     Martin Keith,  
     Hercules Cushman,  
     Calvin Pratt,  
*Rochester*, Gideon Bastow, jun.  
     Thomas Bassett,  
     Elijah Willis,  
     Lemuel Winslow,  
*Wareham*,  
*Carver*, Benjamin Ellis,  
*Plimpton*, Elijah Bisbe,  
*Halifax*, Zebediah Thompson,  
*Abington*, Samuel Niles,  
     Nathan Gurney, jun.  
*Hanover*, Calvin Chaddock,

*Scituate*, Jesse Dunbar,  
     Edward F. Jacobs,  
*Hingham*, Hawkes Fearing,  
     Jonathan Cushing,  
     Thomas Fearing,  
*Hull*, Samuel Loring.

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*Taunton*, Samuel Crocker,  
     Josiah King,  
     Nathaniel Leonard,  
     James Sproat,  
*Dighton*, John Hathaway,  
     George Walker,  
*Rehoboth*, Elkanah French,  
     Timothy Walker,  
     John Medbury,  
     Sebray Lawton,  
     Caleb Abell,  
*Swansey*, Daniel Hale,  
     Benmanuel Marvel,  
*Somerset*, David Anthony,  
*Attleborough*, Joel Read,  
     John Richardson, jun.  
     Benjamin Bolkcom,  
*Mansfield*, Daniel Gilbert,  
*Norton*, John Hall,  
*Easton*, John Tisdale,  
     Calvin Brett,  
*Raynham*, Josiah Deane,  
*Berkley*, Apollos Tobey,  
*Freetown*, William Rounsevelle,  
     Stephen B. Pickens,  
*New Bedford*, Seth Spooner,  
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     Gamaliel Bryant,  
     Jireh Swift, jun.  
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     Henry Tucker,  
*West Port*, Abner Brownell,  
     Sylvester Brownell,

*West Port*, Abner Gifford,  
*Troy*, Robert Miller.

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*Barnstable*, Jabez Howland,  
 Job C. Davis,  
 Nehemiah Lovell,  
 Naler Crocker,  
*Sandwich*, John Freeman,  
 Benjamin Perceval,  
 Elisha Pope,  
*Falmouth*, Thomas Fish,  
 Braddock Dinick,  
 James Hinkley,  
*Yarmouth*, John Eldredge,  
 James Crowell,  
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 Zenas Howes,  
*Harwich*, John Dillingham,  
*Brewster*, Isaac Clark,  
*Chatham*, Richard Sears,  
*Orleans*, Simeon Kingman,  
*Eastham*, John Doane,  
*Wellfleet*, Beriah Higgins,  
*Truro*,  
*Provincetown*, Samuel Cook.

## DUKES COUNTY.

*Edgarton*, Samuel Whelden,  
*Tisbury*, John Hancock,  
*Chilmark*, Simon Mayhew.

## NANTUCKET.

*Nantucket*, Micajah Coffin,  
 Shubael Coffin,  
 Archelaus Hammond,  
 Micajah Gardner,  
 Jedidiah Fitch,  
 George Cannon,  
 Obadiah Folger,  
 Coffin Whippley,  
 Andrew Pinkham.

## WORCESTER.

*Worcester*, Edward Bangs,  
 Abraham Lincoln,  
 William Eaton,  
*Leicester*, Nathaniel P. Denny,  
*Spencer*, Jonas Muzzy,  
*Brookfield*, Thomas Hale,  
 Jabez Upham,  
 Oliver Crosby,  
 Elijah Clap,  
*Western*, Daniel Hodges,  
*Sturbridge*, Gershom Plimpton,  
 Zenas L. Leonard,  
*Charlton*, John Spurr,  
 Thaddeus Marble,  
 Ephraim Willard,  
*Dudley*, Aaron Tufts,  
*Douglas*,  
*Uxbridge*, Benjamin Adams,  
*Northbridge*,  
*Mendon*, Daniel Thurber,  
 Elijah Thayer,  
*Milford*, Samuel Jones,  
*Upton*, Ezra Wood, jun.  
*Grafton*, Joshua Harrington,  
*Sutton*, Jonas Sibley,  
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 Estes Howe,  
*Oxford*, Abijah Davis,  
*Ward*, Jonah Goulding,  
*Shrewsbury*, Vashui Hemmen-  
 way,  
*Westborough*, Nathan Fisher,  
*Southborough*, Willard Newton,  
*Northborough*, James Keyes,  
*Boylston*, Jonathan Bond,  
*West Boylston*, Ezra Beaman,  
*Lancaster*, Jonas Lane,  
 Jacob Fisher,  
*Harvard*, Jonathan Beard,  
 Reuben Whitcomb,  
*Bolton and } Stephen P. Gardner,*  
*Berlin, } Nathl. Longley, jun.*

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<i>Princeton</i> , William Dodds,	Whitwood,
<i>Holden</i> , William Drury,	<i>Becket</i> , George Conant,
<i>Rutland</i> , Jonas Howe, jun.	<i>Washington</i> ,
<i>Paxton</i> , Ebenezer Estabrook,	<i>Lee</i> , Jared Bradley,
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<i>Hubbardston</i> ,	Oren Goodrich,
<i>Petersham</i> , Hutchins Hapgood,	Horace Allen,
Joseph Brown,	<i>Dalton</i> , Nathaniel Kellogg,
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<i>Fitchburgh</i> , Abraham Willard,	<i>Lanesboro' &amp; }</i> Sam'l H. Whee-
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<i>Ashburnham</i> ,	James Mason,
<i>Winchendon</i> , Israel Whiton,	<i>Williamston</i> , Samuel Kellogg,
<i>Royalston</i> , Joseph Estabrook,	Henry C. Brown,
<i>Templeton</i> , John W. Stiles,	<i>Savoy</i> , Liscolm Phillips,
<i>Athol</i> , James Humphreys,	<i>Clarksburgh</i> ,
<i>Gerry</i> , Elijah Gould,	<i>Florida</i> .
<i>Dana</i> , Nathaniel Williams.	

## BERKSHIRE.

<i>Sheffield and Mount }</i>	} Eli Ensign,
<i>Washington</i> ,	
<i>New Marlboro' Benja. Wheeler,</i>	
Edward Stevens,	
<i>Sandisfield &amp; }</i>	} John Picket,
<i>Southfield</i> ,	
<i>Otis</i> ,	} Eliakim Hull,
<i>Tyringham</i> , Adonijah Bidwell,	
Francis Herrick,	
<i>Great Barrington</i> , Lucius King,	
<i>Egremont</i> , James Baldwin,	
<i>Alford</i> ,	

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Daniel Withington,
Lemuel Crane,
<i>Brookline</i> , Stephen Sharp,
<i>Milton</i> , William Peirce,
Jacob Gill,
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*Cohasset*, Thomas Lothrop,  
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           Jonathan Richards,  
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*Medfield & } Johnson Mason,*  
*Dover,*  
*Medway*, Moses Richardson,  
*Bellingham*, John Bates,  
*Franklin*, Joseph Bacon,  
           Phineas Ware,  
*Wrentham*, Jacob Mann,  
           Jairus Ware,  
           Samuel Druce,  
*Walpole*, Daniel Kingsbury,  
*Foxborough*, Seth Boyden  
*Sharon*, Enoch Hewins,  
*Stoughton*, Samuel Talbot,  
*Canton*, Joseph Bemis,  
           Lemuel Whiting,  
*Randolph*, Micah White.

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*York*, Elihu Bragdon,  
           Joseph Bradbury,  
           Joseph Weare,  
*Kittery*, Mark Adams,  
           William T. Gerrish,  
*Elliot*, Samuel Leighton,  
*Wells*, Nathaniel Wells,  
           John Storer,  
           Joseph Moody,  
           Nahum Morrill,  
           John U. Parsons,  
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*Buddeford*, Jeremiah Hill,  
*Berwick*, Richard F. Cutts,  
           Joseph Prime,  
           William Hobbs,  
           Benjamin Greene,  
*Lebanon*, David Legro,  
*Sandford*, Sheldon Hobbs,  
*Alfred*,

*Lyman*, John Low,  
*Phillipsburgh*, Isaac Lane,  
*Waterborough*, Henry Hobbs,  
*Shapleigh*, Josiah P. Woodbury,  
           John Bodwell, jun.  
*Newfield*, Josiah Towie,  
*Parsonsfeld*, James Bradbury,  
           Simon Marston,  
*Cornish*, Jonah Dunn,  
*Limerick*,  
*Limington*, David Boyd,  
           Walter Hagens,  
*Buxton*, Gibbens Elden,  
           Brice Boothby,  
*Saco*, Joseph Morrill,  
           William Moody,  
           Benjamin Pike,

## CUMBERLAND.

*Portland*, Joseph Ticomcomb,  
           George Bradbury,  
           Matthew Cobb,  
           Joseph H. Ingraham,  
           Isaac Adams,  
           Enoch Prebble,  
*Falmouth*, John Jones,  
           James Morrill,  
           James Merrill,  
           Nathaniel Hatch,  
           Jonathan Sparrow,  
*Cape Elizabeth*, Silvanus Higgins,  
*Scarborough*, William Hasty,  
           George Hight,  
*Gorham*, Lothrop Lewis,  
           David Harding,  
           Dudley Folsom,  
*Standish*, Simon Moulton,  
*Windham*, Josiah Chute,  
*Gray*, Eliab Latham,  
*North Yarmouth*, Ammi R. Mitchel,  
           Edward Russell,  
           John Lawrence,  
           Cushing Prince,  
*Pownal*,

<i>Free Port</i> , Samuel Hyde,	<i>Putnam</i> ,
<i>Brunswick</i> , Robert D. Dunning,	<i>Palermo</i> , Daniel Sandford,
<i>Durham</i> , Secomb Jordan,	<i>Montville</i> , Joseph Chandler,
<i>Harpswell</i> , Stephen Purrinton,	<i>Georgetown</i> , Mark L. Hill,
<i>New Gloucester</i> , Joseph E. Fox-	Lewis Thorp,
croft,	<i>Bath</i> , Samuel Davis,
<i>Pegypscot</i> ,	Jonathan Hyde,
<i>Poland</i> , Robert Snell,	John Richardson,
<i>Minot</i> , Nicholas Noyes,	<i>Topsham</i> , Actor Patten,
<i>Raymond</i> , George Small,	<i>Bowdoin</i> , Moses Dennett,
<i>Baldwin</i> ,	<i>Bowdoinham</i> , James Maxwell,
<i>Bridgetown</i> ,	<i>Lewiston</i> , Aaron Dwinel,
<i>Harrison</i> ,	<i>Lisbon</i> , James Small,
<i>Otisfield</i> , Daniel Holden.	<i>Litchfield</i> , John Neal,
	John Smith.

## LINCOLN.

*Wiscasset*, Jeremiah Bailey,  
Robert Elwell,  
*Woolwich*, John R. Stinson,  
*Dresden*, Obediah Haynes,  
*Alna*,  
*Whitefield*, Joseph Bailey,  
*Jefferson*, Thomas Trask, jun.  
*New Castle*, John Farley,  
*Edgecomb*, Thomas Cunningham,  
*Boothbay*, William M'Cobb,  
*Bristol*, James Drummond,  
William M'Clintock,  
Aaron Blaney, jun.  
*Nobleborough*, David Dennis,  
*Waldoborough*, Joseph Ludwig,  
Benjamin Brown,  
*Friendship*,  
*Cushing*,  
*St. George*, Hezekiah Prince,  
*Thomaston*, Isaac Bernard,  
Ezekiel G. Dodge,  
*Warren*, Cyrus Eaton,  
*Camden*, Farnham Hall,  
Joshua Dillingham,  
*Hope*, Fergus M'Clain,  
*Union*, John Lermond,

## KENNEBECK.

*Augusta*, Samuel Cony,  
George Crosby,  
*Hallowell*, Thomas Agry,  
Peter Grant,  
*Gardiner*, Samuel Jewett,  
*Monmouth*, Abraham Morrill,  
*Greene*, Luther Robbins,  
*Leeds*, Daniel Lothrop,  
*Winthrop*, Andrew Wood,  
*Readfield*,  
*Wayne*, Moses Wing, jun.  
*Fayette*, Ezra Fisk,  
*Mount Vernon*, John Hovey,  
*Belgrade*, Moses Carr,  
*Sydney*,  
*Waterville*, Eleazer W. Ripley,  
*Rome*,  
*Vienna*,  
*New Sharon*, Thomas Fields,  
*Chester ville*,  
*Farmington*, Nathan Cutler,  
Timothy Johnson,  
*Temple*,  
*Wilton*, Samuel Butterfield,  
*Pittston*, David Young,

*Vassalborough*, Samuel Redington, *Industry*,  
 Benjamin Brown, *New Vineyard*,  
*Winslow*, Joshua Cushman, *Strong*,  
*Harlem*, *Avon*,  
*Malta*, *Emlden*,  
*Fairfax*, *Freeman*,  
*Clinton*, Asher Hinds, *New Portland*,  
*Unity*, *Madison*,  
*Cornville*,  
*Solon*,  
*Athens*,  
*Harmony*,  
*Palmyra*,  
*Fairhaven*.

## OXFORD.

*Paris*, Elias Stowell,  
*Hebron*, Alexander Greenwood,  
*Buckfield*, Daniel Hutchinson,  
*Turner*, George French,  
*Livermore*, Samuel Livermore,

William H. Brettun,

*Hartford*, David Warren,  
*Sumner*, Simeon Barrett, jun.  
*Norway*, Joshua Smith,  
*Fryburgh*, John M'Millan,  
*Hiram*,  
*Brownfield*, Joseph Howard,  
*Denmark*,  
*Porter*,  
*Lovell*,  
*Waterford*, Calvin Farrar,  
*Albany*,  
*Bethel*, Moses Mason,  
*Jay*, Moses Stone,  
*Dixfield*,  
*Rumford*, William Wheeler,  
*Gilead*,  
*Newry*,  
*East Andover*.

## SOMERSET.

*Norridgewock*, Calvin Selden,  
*Canaan*, Eleazer Coburn,  
*Fairfield*,  
*Anson*,  
*Starks*,  
*Mercer*,

## HANCOCK.

*Castine*, Otis Little,  
*Penobscot*, Samuel Farnum,  
*Orland*,  
*Buckstown*, Jonathan Buck,  
 Joseph Lee,  
*Orrington*, Enoch Mudge,  
*Eddington*,  
*Ellsworth*, Moses Adams,  
*Surry*,  
*Blue Hill*, Reuben Dodge,  
*Sedgwick*, Thomas Doyle,  
*Trenton*,  
*Sullivan*, Paul D. Sargent,  
*Gouldsborough*,  
*Eden*, Cornelius Thompson,  
*Mount Desert*, Davis Wasgatt,  
*Deer Isle*, Ignatius Haskell,  
 Pearl Spafford,  
*Vinalhaven*, William Vinal,  
*Isleborough*,  
*Lincolnville*, Ephraim Fletcher,  
*North Port*, Cornelius Rhoads,  
*Belfast*, Thomas Whittier,  
*Prospect*, Henry Black,  
*Frankfort*, Abner Bicknell,  
 Alexander Milliken,

*Hampden*, Seth Kempton,  
*Bangor*, James Carr,  
*Orono*,  
*Dixmont*,  
*Corinth*,  
*New Charleston*,  
*Exeter*,  
*Garland*.

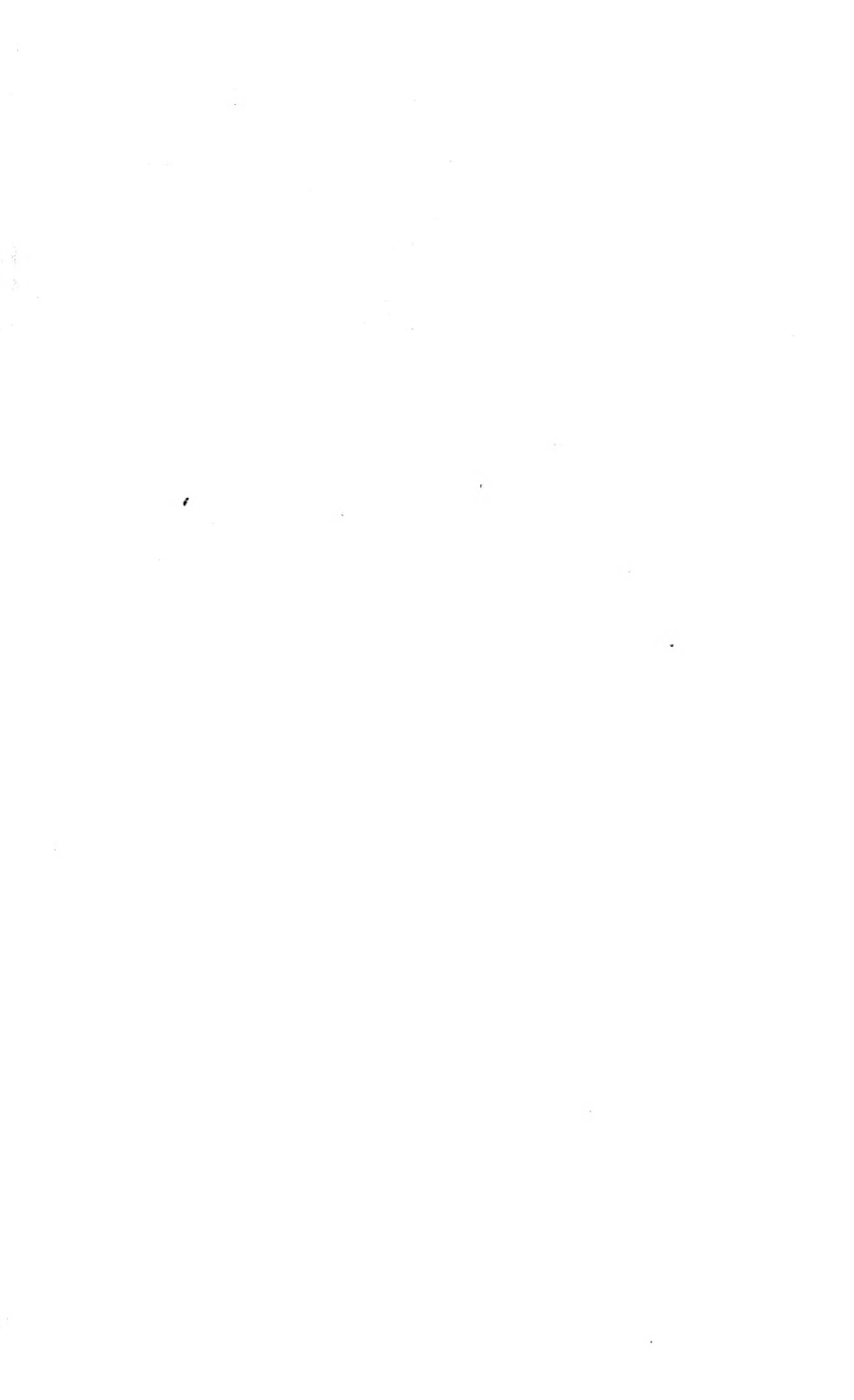
*East Port*, Oliver Shead,  
Lewis F. De les Denier,  
*Calais*,  
*Robbinston*,  
*Jonesborough*,  
*Addison*,  
*Columbia*,  
*Harrington*,  
*Steuben*.

## WASHINGTON.

*Machias*, Ebenezer Inglee,

---

Charles P. Sumner, *Clerk*.  
Rev. Elijah R. Sabin, *Chaplain*.







# RESOLVES

OF THE

## General Court of Massachusetts.

PASSED AT THE SESSION BEGUN AND HOLDEN AT BOSTON, ON THE  
TWENTY-NINTH DAY OF MAY, IN THE YEAR OF OUR LORD,  
ONE THOUSAND EIGHT HUNDRED AND ELEVEN.

.....

### GOVERNOR'S SPEECH.

.....

REPRESENTATIVES' CHAMBER, JUNE 7.

*At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor came in, accompanied by his Council, the Secretary of the Commonwealth, and other officers of government, and delivered the following*

### SPEECH:

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THE citizens of this Commonwealth, in the full exercise of their elective rights, having called on us in our respective stations, to promote their prosperity and happiness, have manifested at this critical period, an honorable confidence in our patriotic firmness and exertions. To fulfil their just expectations, will be the height of my ambition: and on your cordial and effectual co-operation, I have the greatest reliance.

The measures, which during the year last past, were adopted by the Executive and Legislative departments of this State,

and which they were solicitous to stamp with impartiality, moderation, and justice, appear to have met the general approbation of the public; and in most instances, to have allayed that unrelenting party spirit, which when indulged, has never failed (on the ruins of liberty) to establish despotism. But a different system has been pursued by a few of our towns, and in particular by our metropolis; where of late, "an assemblage" of a majority of her electors, many of them citizens, whose talents, professions, property and influence, have placed them in the most respectable grades of society, and in high offices of government; have, in the most deliberate manner, "unanimously" passed various Resolutions, too important, in their nature and tendency, to be unnoticed. The publication of these measures, which in no instance have been disavowed, is so marked, as to admit no doubt of their authenticity.

Had this "assemblage" been content, with exercising freely their rights of suffrage; or agreeably to the Constitution of the United States, "of peaceably petitioning the government for a redress of grievances;" or in conformity to the constitution of this Commonwealth, "of requesting in an orderly and peaceable manner, the Legislative body, by addresses, petitions or remonstrances, to redress the wrongs done them, and the grievances they suffer;" no rational objection could have been urged against them. On the contrary, their conduct, if it had even resulted from mistaken zeal, would have been justly applauded. But their open avowal of hostility to the government of the United States, demands of us in support of it, as a sacred official duty, an ingenuous and efficient line of conduct.

The measures referred to, were predicated on assertions "that our ancient and respectable metropolis" "was the first to encourage commercial enterprize." That, this was a great source "of our national prosperity;" that "its inhabitants have been distinguished by their quick discernment of, and their vigorous opposition to all invasions of their rights;" that "at the risk of their lives and fortunes, they had opposed the encroachments of arbitrary power," that they had expected "a domestic government which would protect them in the lawful exercise of their rights." That, "amongst these the most invaluable was protection in the pursuit of commerce." That "the government of the United States has for many years past, manifested a disposition alarmingly hostile to commerce," but *most eminently* by the late act of Congress; which under certain pretexts, "inflicts a deadly wound on our commerce;" That, "the only remedy short of an appeal to force

is to change our national rulers;" and that, "this important measure can only be effected by a correspondent change in the administration of this State."

In regard to these positions, it is presumed, that this "assemblage" will not assume *all* the merit of encouraging commerce, or of opposition to the invasion of our rights, or of opposing, at the risk of life and fortune, the encroachments of arbitrary power; but, will admit its fellow citizens of the metropolis, and of the state, to equal honour with themselves on those subjects; and it is believed, that "the assemblage," in whatever light it may view the Federal government, will not deny the *sovereign right* of its fellow citizens of the United States, to exercise their judgments on the conduct of that government; to declare their conviction, that it is a wise, just, impartial and patriotic government; and their testimony, that instead of inflicting, it has warded off by every possible mean, a deadly blow, aimed by foreign powers on our commerce; and to applaud, revere, and support their government, in opposition to those who have proclaimed their disaffection to it, have proscribed it, and doomed it to destruction.

The "assemblage," in their first resolution, declare, "that having reviewed with impartiality our foreign relations, they are unable to discover any alteration in the conduct of foreign nations, which can justify, or even apologize, for the late measures of the government of the United States." Admitting the fact, that "the assemblage" could not "discover any such alteration," still it may have existed; and it did exist, in regard to France, in the opinion of the *sole* constitutional judge, the National government; and generally of the State governments. The measures alluded to, were the President's proclamation of the 2d of November last, and the act of Congress of the 2d of March last. And when it is considered, that the Emperor of France by his official declarations of a revocation of his Berlin and Milan decrees, had rendered indispensable that proclamation; that the neglect to issue it, would have given just cause of offence to the Emperor, and have hazarded a war; that had this been the result, no apology could have been offered for the President, that even if the Emperor had been *strongly suspected* of intentional perfidy, the proclamation was wise and politic; as it was revocable in such an event, and would thus have placed him *conspicuously* in the wrong. When these things are considered, where was the impolicy or injustice of issuing the proclamation, or of renewing our commerce with France? But have the United States and Great Britain, or

either of these powers, authorized this "assemblage" to be their umpire? If not, by what authority did it sit in judgment on the relative measures of the two nations? It constitutes, perhaps, one part in four hundred of the federal electors; and is so small a portion to govern the whole? The assemblage had a right by the federal constitution, not to pass such resolutions, but "to *petition* for a redress of grievances;" and it is the greatest of all absurdities, and destructive of all order, to admit, that three thousand of our fellow citizens having only equal rights with the rest, can be authorized in proclaiming that our national rulers, in relation to a foreign power, "cannot justify or even apologize for their conduct." Did this "assemblage" manifest "a quick discernment," pending a negotiation on which may rest our future peace, thus to condemn our national government, whilst supporting our just claims: and to encourage a foreign power in unjust demands; which if persisted in will inevitably produce a rupture? Can it, on any ground, justify or apologize for such imprudent conduct? And how will it be viewed when the measures of Great Britain towards us, for a series of years, have been marked by every species of insult, injury, and injustice?

The "assemblage" affirm "that the first flagrant violation of our neutral rights was inflicted by the Berlin decree." This decree was undoubtedly a manifest violation of our neutral rights; but it has been demonstrated to the satisfaction of the federal, and generally of the state governments, that Great Britain, for more than half a century, has carried into effect a maritime rule of her own, which has derogated essentially from our neutral rights, as established by the laws of nations. And it is well known that the armed neutrality, during our revolutionary war, was formed by European powers, for the express purpose of asserting *their maritime rights*, and for opposing the violation thereof, on the part of Great Britain. And of what consequence is it to the United States, which of the belligerents was foremost in depredations? In municipal crimes, there is no discrimination between convicts, whether first or last, in robbing unoffending travellers. And where is the difference, on the land or on the ocean, between a public and private robbery: except, that the former is pre-eminent in criminality.

Again, It is stated, that "no proposal or hope is offered to us, of a restoration of the vast property unjustly surprized by that perfidious (meaning the French) nation." Are the secrets then of our national government, or ought they in regard to

pending negotiations, to be public? If not, how can it be asserted "that there is no proposal or hope for such a restoration?" The government of the United States, on every occasion, *with unrivalled ability*, has contended for our national and individual rights; and is it not surprizing, that the "assemblage" should thus attempt to condemn our national measures, without the least knowledge of them?

The "assemblage" have "resolved" lastly, that they consider "the statute of Congress of the 2d of March last, as an unjust, oppressive and tyrannical act," and that "the only means short of an appeal to force" "to prevent its calamitous effects," "is the election of such men to the various offices in the State Government, as will oppose by peaceable, but firm measures, the execution of laws, *which if persisted in must and will be resisted.*"

The act of Congress of the first of May, 1810, interdicted "from and after the passage of it, every British or French armed vessel," with certain exceptions, "from entering our harbours and waters;" and provided for its ceasing to operate against either of those powers, who should revoke or modify to certain purposes, before the 3d of March, 1811, its obnoxious edicts, and also for continuing in full force against the other power, who should not within three months thereafter revoke or modify her edicts in like manner, certain provisions of "an act to interdict the commercial intercourse between the United States and Great Britain and France." The Emperor of France "officially made known to our Government," that "on the 1st of November, 1810, her obnoxious edicts would cease to have effect; and the President, by his proclamation of the 2d of the same month, discontinued all the restrictions, imposed by that act in relation to France." Great Britain had three months, by the act, to adopt a similar measure, but refused or neglected it; and our Government at the end of four months, by its act of the 2d of March last, carried the interdicting act into effect; and this is the statute, which the "assemblage" have declared "unjust, oppressive and tyrannical," and one of the laws, "which, if persisted in, must and will be resisted."

The "assemblage" having declared as the only means to avoid certain calamities, a change of our government, or the alternative force, (or resistance) makes use of these as convertible terms; and they are such, the definite meaning of resistance, being the "not yielding to force," or opposing force to force. And why must force be opposed to the execution of

these laws ? Because says the assemblage "every citizen had a right to construe the act of the 1st of May, 1810," and "to govern his conduct accordingly;" and that any law which should have the effect to make his construction a crime, "must be not only an *ex post facto* act, but unjust, oppressive, and tyrannical." This doctrine of the right of every citizen thus finally to construe a law, and to govern his conduct accordingly, is novel ; such authority being invested only in the judiciary. If a person charged with having violated a law, has by due process been convicted thereof and received his sentence ; this will and ought to be carried into effect, his construction of the law notwithstanding. It often happens that a law in some instances operates unjustly, and the effect of it, in such cases, is usually prevented by petitioning the Legislature (whose duty it is) to redress the grievance ; or, by a recommendation, (before sentence) of the judicial court, for pardon of the person convicted. If all defective laws are *ex post facto* acts, because in a few instances they may have operated as such, our national and state codes abound with them ; and every Legislature has been justly chargeable with injustice, oppression, and tyranny. Many laws are of great length and intricacy, and the construction of them by individuals may be right, or wrong, or partaking of both these qualities ; still these constructions according to the opinion of the "assemblage," are to be so many criteria for determining whether the law is an *ex post facto* act, or unjust, oppressive and tyrannical. If every citizen (according to the declarations recited) has a right thus to put his construction, on any law ; to declare other laws, if opposed to that construction, unjust, oppressive and tyrannical ; to preclude by it all supplementary or explanatory laws of the Legislature ; and to resist them by force, our constitutions are nullities, our constituted authorities are usurpers, and we are reduced to a state of nature.

Again, If our national rulers are justly charged as it is stated by this "assemblage," with having passed a tyrannical act, and laws that must and will be resisted, they have rebelled against the sovereignty of the people, are subject to punishment, and have forfeited forever a claim to public confidence. But if the charge is unfounded, if they have conducted agreeably to our national charter, (which is manifestly the general sense of the nation) have not those who have denounced the government of the United States as oppressive, tyrannical and unjust, and who have declared an intention to resist the execution of their laws, unwarrantably, adopted measures, tending

to excite a spirit of insurrection and rebellion, and to destroy our internal peace and tranquility? And is it expected, that a correct and well informed people, will rally round the standard of disaffection, hazard their right of self-government, which they hold by the charter of the God of nature, and present to the world the unparalleled phenomenon, of a sovereign people in rebellion against their own sovereignty? It is believed the people in general of the United States are incapable of such political suicide. And here it may be remarked, that the "assemblage" have been lavish in their encomiums on Great Britain, and in their strictures on France. In respect to the conduct of France, no justification or apology even will be offered; but it may still be inquired, why Great Britain has not availed herself, (as France has done) of the benefits proffered to both, by the liberal act of Congress of 1st May, 1810? She has condemned the French Emperor, for not having been definite in revoking his edicts; and at the same time, in every instance, has refused to revoke her own. If he is culpable for not doing every thing, Great Britain is more so for not doing any thing, required by justice. Why has she not supported her condemnation of him, and raised her own fame, by superior acts of equity and liberality?

Is it, because fearful of the competition of the United States, she is opposed to a *general* renewal of their commerce? Will she only be satisfied by a *monopoly* of this? Is she not convinced, that the mutual interests of the two nations demand an amicable adjustment of their differences? Our government has given unequivocal proofs of an earnest, and ardent desire to obtain that object. But, because of that, does Great Britain expect to draw, or drive us into measures, which, contrary to our essential interest, must involve us in unnecessary war? If so, if she will not listen to her wisest statesmen, but will support an administration inimical to this country, in a system of evasions, pretensions, procrastinations and prevarications, she will too late discover her error; and by enlisting these States in the interest of her adversary, to which all her measures tend, will hasten her national overthrow; and by such a deplorable event, will extend far and wide calamitous consequences.

To diminish, and exterminate, if possible, a party spirit, the Executive of this Commonwealth, during the last year, has confirmed in his place, or re-appointed when requisite every state officer, under its controul, who has been correct in his conduct, and faithful to his trust; disregarding his politics, and requiring only his support of the federal and state consti-

tutions, governments and laws, with a due regard to the rights of officers and individuals subject to his official discretion. But it cannot be expected of any Executive, so far to disregard the sacred obligations of duty and honour, as to preserve in official stations, such individuals as would abuse the influence of their public characters, by sanctioning resistance to law, or by such other conduct, as will beguile peaceable and happy citizens, into a state of civil warfare.

For our metropolis, I have ever entertained an affectionate esteem and respect ; and regret exceedingly, that she has not supported the salutary measures of this government, of the last year. Had this been done, we might have silenced the demon of party discord ; have manifested such an invincible determination to preserve our Union, as would have animated our sister states to similar measures ; and might have destroyed the germ of every hope to sever the United States. Of late years, "the dismemberment of our Union" has been an avowed object in the ministerial papers of Great Britain ; and to effect it, a war has been urged against these states. How mortifying would it be, for any of our fellow citizens, to find that their proceedings unintentionally, had promoted such nefarious designs ; and had thus entailed on them and on their posterity, an indelible stain ? It is seldom admitted as an apology, that individuals, in the adoption of such dangerous means, had laudable and honest views ; or that they possessed fair reputations ; for these circumstances, serving to increase and extend the evil, excite a proportionate degree of public resentment.

Numerous instances of this kind, existed at the commencement of our revolutionary war, and compelled our fellow citizens to exile themselves, and to spend the residue of their mournful days in foreign climes. It is remarkable likewise, that such of late years have been the politicks of almost every commercial metropolis of our sister states, as to have driven from it, the state Legislature. The reasons assigned have been, the influx of foreigners, and a collection in those great seaports, of the declared malecontents of the National and State governments ; individuals, who, with the uniform of Washington, have combatted the fundamental principles of our revolution, as delineated by that revered Patriot.—May our Metropolis, by regaining the high ground which she once held, when Americans throughout Europe were denominated Bostonians, and Boston was considered as "the cradle of liberty," sanctify these walls as the permanent seat of the Legislature ; and firmly support our National and State govern-



ments, our Union and Independence. But although the great body of the people, will always be careful to preserve internal peace, they must be prepared to meet incessant plots to divide and conquer them. And let me, gentlemen, address your reason, not your feelings on this important subject. Who can contemplate, without chills of horror, the dismemberment of our Union, and a civil war? What is to be expected from these concomitant evils? We are now blessed by divine providence above any other nation. We have National and State constitutions, which, by securing the freedom and frequency of elections; by the short tenure of legislative and executive offices; by the requisite qualifications of those in office; by the numerous checks required in free governments; and above all, by the entire dependence of those systems on the sovereignty of the people, are rendered incapable of a sudden change to an arbitrary system of government. We are blessed with the free exercise of our civil and religious rights, with the prompt and due administration of justice—with a country capable of supplying all our wants and wishes—with a flourishing state of universities, and other seminaries of literature and of science in general—with a local situation, distant from the terrific scenes of unprecedented carnage—with an efficient national defence, by a patriotic and powerful militia; rendering unnecessary those expensive military establishments, which are oppressive and dangerous to liberty—with the extension, over the globe, of a lucrative commerce; subject indeed at present, to great and inevitable embarrassments—and with innumerable other benefits. And is it possible for us, by ingratitude of the deepest dye, to that Omnipotent Being who has so favoured us, to violate every moral, religious and political obligation? by destroying the greatest of social enjoyments, *our internal peace and tranquility*; by placing in military array, relatives, friends and fellow citizens, against each other; by exciting them to ungovernable fury; by urging them to profane our temples, to sack and burn our towns, to ravage our country, to lay waste our cultivated and beautiful fields, to strew them with the bodies of our most valuable citizens, to imbrue their hands in the blood of our innocent women and children, and to pursue a ferocious warfare, which would extend through the land, plague, pestilence, and famine. This is but a faint picture of a civil war. Ten foreign wars are a luxury, when compared with one civil conflict. At all events, let us preserve peace at home, and wage war, if indispensable, with any nation, however powerful.

My objects, on this occasion, are to bring conviction to the minds of my fellow citizens, who may be in an error; not to wound or ruffle their feelings.—To recommend, Gentlemen, by every mean in your power, the security of the blessings we enjoy—To suggest the necessity of a revision of our laws regulating elections; as well to prevent turbulent proceedings in our primary assemblies, as to ensure the right of ballot; which is a mode secret in its nature, for restraining an undue influence—To invite you to represent truly to our fellow citizens the nature and tendency of our national and state proceedings, and to exhort them to support as the Temple of our Liberty and Independence, the government of the United States.

Let us attend for a moment to the two Great Pillars of our prosperity, Agriculture and Commerce. These are such near relations, as that, the loss of one, will be death to the other. Nothing can be more unwise, than the establishment at home, of a market for the surplus of our produce and manufactures. The choice of foreign marts, for the sale of these, generally enhances, and often doubles their value. If any foreign power should inhibit our commerce with them, let us spurn at theirs, and exert ourselves to be independent of it, by a skilful management of the means we possess. And whilst our towering forests, fertile soils, and rich mines furnish us with ample materials for a navy, and our population with intrepid officers and seamen to man it, let us proclaim from pole to pole, by our naval thunders, that we will defend to the last moment of our existence, our neutral maritime rights, and a commercial intercourse with every friendly nation.

Pursuant to an order of the Legislature of the 27th of Feb. last, I appointed the Hon. Perez Morton, Jonathan Smith, jun. and Thomas B. Adams, Esquires, Commissioners, to repair to the county of Lincoln for certain purposes; and their report will shew, that they have discharged the important trust, with great ability, impartiality and promptitude; and will also present the pleasing prospect, of a speedy and equitable termination of the unhappy disputes, which have arisen from interfering territorial claims in that county.

It is a happy circumstance, and does great honour to our clergy, that there exists among them, a general spirit of religious liberality and tolerance. They advance in the strait road of christianity; which is always strewed with flowers.—Should any, perchance, wander into the devious paths of party politics, the injury will not extend beyond themselves; and

they will soon retreat from the lacerations of briars and thorns, which will meet them at every step.

A late solemn decision, of our supreme judicial court, has limited the right of protestant teachers of piety, religion and morality, to demand the taxes paid by their respective hearers, for the support of public worship, to those of incorporated societies; and has produced a great excitement. This may render indispensable, an attention to the subject; and further provisions, to encourage, by every possible mean, the liberty of conscience in relation to religious opinion, and worship.

The affairs of the State Prison, by the judicial management of the board of visitors, have presented of late a pleasing aspect. The unhappy subjects of that useful institution, have been advantageously employed; the expenses of it have been greatly reduced; and the humane attention of the visitors, with the faithful services of the physician, have been instrumental, in maintaining in the prison, a remarkable state of health.

But the Legislature having taken measures to enquire into and remedy the defects of its original establishment, suggested on a former occasion, have rendered unnecessary further remarks on this subject.

The existing state of our publick concerns, I flatter myself, will present an apology for the time occupied on this occasion; and I shall communicate by message, the documents referred to in this address, with other matters which may require your consideration.

And now Gentlemen, I shall take my leave of you for the present; with an ardent prayer to Almighty God, that an inviolable attachment to the peace, happiness and welfare of our country, may banish forever from our breasts, a party spirit; and induce us all, in the full exercise of every christian, moral and social virtue, to embrace each other, as fellow citizens, as friends, and as brethren.

E. GERRY.

## ANSWER OF THE SENATE.



*MAY IT PLEASE YOUR EXCELLENCY,*

THE Senate congratulate you upon your re-election to the office of Chief Magistrate of this Commonwealth. It is undoubtedly the sacred duty of rulers honoured with the confidence of their fellow citizens, and selected by them as the guardians of their rights, to be firm in protecting, and zealous in promoting, their prosperity and happiness. From the long established and high reputation of your Excellency for undeviating patriotism and pre-eminent talents, our fellow citizens have the highest assurance, that the measures of your administration will be such as to fulfil their just expectations; and the Senate assure you, that in effectuating this desirable object, you may rely upon their constant cordial co-operation.

From the impartiality and moderation manifested by all branches of the government during the year past, hopes were entertained, that party spirit so destructive to all friendly intercourse between citizens of the same community, and by the unhappy influence of which our liberties may eventually be jeopardized, would be allayed, and that a rational confidence would thereby have been created in the rulers of our state government. The Senate sincerely regret that these expectations have not been generally realized, and that any of our fellow citizens, either from a deadly hostility to the administration of our general government, or distrusting the patriotism of those who administered our state government the year past, have by measures extraordinary in their nature, and dangerous in their tendency, endeavoured to excite resistance to laws constitutionally enacted, and have called upon our fellow citizens to elect to office, men who would aid in these nefarious projects.—The constitutional right of assembling, and in a firm and dignified manner, by petitions, addresses, or remonstrances, of applying to our rulers for the redress of wrongs

done them, and of grievances they suffer, is not denied ; but no constitutional right is given to the citizens of assembling and anathematizing their rulers and the measures and laws of their government, and of declaring to the people that the laws are tyrannical and unconstitutional, and “if persisted in, must and will be resisted.”

A justifiable resistance to the execution of laws made by the constituted authorities of a government, presupposes such a depravity, usurpation and rottenness in the government, as will justify even its utter subversion. When the distinguished citizens of our metropolis, “of the first talents and grades in society,” and “in high offices of government,” to whom the good people of the Commonwealth have heretofore been taught to look for correctness in principle and practice, by any measures or for any purposes whatever, have inculcated sentiments and advanced principles which in their nature and tendency destroy all rational confidence in the measures and in the officers of our government, and which may excite insurrection and rebellion, and destroy the bonds of our Union, it became the imperious duty of your Excellency to guard the peaceable citizens of the Commonwealth against their baleful influence.

The conflicts of the two great belligerents in Europe have of late years affected the whole civilized world, and their aggressions upon our neutral rights have been such, as to call for measures from our government, as novel and various in their nature, as were the evils against which they were intended to guard. While our national rulers are struggling for the preservation of peace, and our neutral rights, it is the duty of every citizen to give them his support in all their reasonable endeavours to uphold the rights of the nation abroad, and to foster its best interest at home, and the Senate assure you, sir, that they have a firm confidence in their patriotism, talents and integrity, and from the recent election in this state, they infer that their sentiments are in unison with those of a great majority of the people of this Commonwealth.

Your Excellency's able and lucid exposure of the dangerous tendency of the resolutions passed by the citizens of the metropolis, receives the cordial approbation of the Senate ; and while the elective franchise remains, they have a firm confidence that the people of this Commonwealth, cannot be excited by any consideration whatever to resist the execution of laws constitutionally made.

Your feeling picture of the horrors of a civil war, and pathetic description of the many local, political, civil and religious

advantages, rights and privileges enjoyed by the people of this country, cannot but bring conviction to the mind of every one, of the imperious necessity of preserving our peace at home, and of being united in the support of whatever measures the general government may adopt to prevent a foreign war. But should our government be compelled to take part in a defensive war, the riches and resources of our country, the valour and patriotism of our citizens, are sure guarantees of our final success, let the conflict be with what nation it may. The Senate accord in the sentiments advanced by your Excellency, respecting "continuing in office individuals who sanction resistance to law"—and we are fully of opinion, that duty and honour forbid any executive to continue in office, men, who abuse the influence of their public stations, by employing it to excite unreasonable animosities in the minds of their fellow citizens towards those who constitutionally administer their government.

It is a subject of regret, that the metropolis of Massachusetts, once considered the "cradle of American liberty," should at this time, in consequence of the influx of foreigners, and the declared malcontents of the national and state governments, have become the echo of foreign opinions, in opposition to the principles of our revolution, the laws and the constitution of our country.

As your Excellency intimates, the time may come when the Legislature, from considerations of a public nature, and in obedience to the call of public opinion, may be driven from these walls; for the situation of a Legislature becomes extremely embarrassing in a town where its members are in frequent collisions with citizens whose sentiments are not congenial with their own, either as to the measures of the state or national government, and where they are continually assailed with the most opprobrious language towards the rulers of both governments.

Freedom in elections is guaranteed to the people by the constitution, and upon its purity depend our republican institutions—It is therefore the duty of a wise legislature to guard against abuses as they occur, by enacting such laws as will secure to the citizen the privilege of exercising that right free from restraint or undue influence. This important subject will undoubtedly receive the early attention of the Legislature.

The Senate are deeply impressed with the importance of securing to the citizens the equal protection of the law, in rela-

tion to "religious opinion and worship," and we will cordially co-operate in any measures which may be thought necessary to effect this object, and to quiet the reasonable apprehensions of any portion of our fellow citizens.

A spirit of religious tolerance among the clergy has undoubtedly the happiest effect in extending true christianity; and while some clergymen among us by their piety, the purity of their manners and a strict adherence to their vocations, have honoured the cause they profess, others have of late, to their great dishonour, "wandered into the devious paths of party politics," and thereby brought reproach upon christianity itself.

The Senate receive with great pleasure, the intimation from your Excellency, that the late unhappy disputes respecting territorial claims in the county of Lincoln, are by the exertions of the Commissioners appointed for that purpose, like to receive a speedy and equitable termination.

Few objects, for some time past have been considered by the Legislature of more importance than the situation of the State Prison, not only on account of the advantages derived from its establishment, but also from the great expence incurred in its support, and the Senate are highly gratified to be informed that the expenses have been greatly reduced, and they will cheerfully give their aid in promoting any measures which may be thought necessary to secure all the advantages which the public reasonably expect from this institution.

Any further communications which your Excellency may see fit to make to the Senate shall receive all that consideration and attention which their nature and importance may require.

*In Senate, June 15, 1811.*

Read and accepted, and ordered that the same Committee who reported it (Hon. Messrs. Walker, Blake, and Parker) present the same to his Excellency the Governor.

SAMUEL DANA, *President.*

## COMMONWEALTH OF MASSACHUSETTS.

*In the House of Representatives, June 13, 1811.*

The following answer to the Speech of His Excellency, was read, considered and approved. And thereupon it was ordered that Messrs. Bangs, Mills, Crowninshield, Hill, and Ripley, be a Committee in the name of the House, to present the same to his Excellency.

JOSEPH STORY, *Speaker.*

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ANSWER.

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*MAY IT PLEASE YOUR EXCELLENCY,*

WITH sensations of pleasure, the House of Representatives meet your Excellency, elected a second time to fill the high office of Governor of the Commonwealth. Bad men may attain power by force or fraud, and weak men may inherit it; but to rule in the confidence and affections, and by the suffrages of a free people, is that honour which a wise man can never despise. Mankind can present no scene more interesting, or more dignified, than the assemblage of a numerous people, by their Representatives, in harmony with their chosen chief, to make and modify their laws. Whatever lustre history reflects upon men in ancient times, is where she exhibits their virtues and their energies, under free, republican governments. Sciences and the arts, all the sublime virtues, and even rational religion, are their produce, and flourish in free states, as in their natural clime. Transport them to regions of despotism, they degenerate and fade. The bright light and generous warmth of a free spirit are necessary to their vigorous growth.



Ancient republics were either pure democracies, or mixtures of such with parts of aristocracy. Calculated, in their small beginnings, for the government of single cities, or confined territories, they were sure to flourish and increase at first, and as sure to fall into decay, by their very increase, and go to destruction by the extent of their own power—because they wanted representation. To what extent a representative democracy may spread itself, has never been fairly tried; nor how long it may exist. To the people of the United States, is given a glorious opportunity to prove that man may yet make further advances in the art of civil government. Under our constitutions we continue to enjoy, in an eminent degree, all the advantages for which government was designed. Why should any men be found so bigotted to the old school, as to think of changing such constitutions to a government more, supposed, energetic? But all republics, it has been said, have undergone revolutions and come to their end. And so have all monarchies. So all men have died—Yet suicide is a folly and a crime.

If it be true that good and evil are so combined, that no good can be obtained without its proportionable concomitant evil—If it be true that party spirit, seen in all governments, is more apparent and more violent in proportion to the degrees of liberty enjoyed; and if it be true that the government most free, is best—then may we console ourselves, that we have the government the best and most free that ever was known among men. That different minds should have different views of things, and different modes of thinking and reasoning; and that this difference should most manifest itself in that state of society where the mind is most free, is neither a subject of surprise or regret.—But when men inveigh against every measure of government, for a series of years, without a solitary instance of approbation, then we suspect that this is not from a difference of opinion, but a party spirit. When they call aloud for particular measures, and disapprove of the same, as soon as the administration has adopted them, we believe this to be from a party spirit. When they change both principle and practice, and profess and act on principles they once professed to abhor, we know that this is from party spirit. When they judge the same point differently, at different times, as seems to make for the immediate interest of their party, we charitably hope that this is not done wilfully and knowingly, but in the blindness of prejudice and spirit of party. This spirit is the common contagion among political men. No

condition escapes it. Often, those most disciplined in the school of morality, and government of the passions, while attempting to pluck out the mote from their brother's eye, exhibit a beam in their own. The excesses of this spirit on one side are apt to inflame the other. It shall be the serious endeavour of the House of Representatives to guard their minds against it. It is important that the citizens of a state where the mind is left free to think and speak on subjects of religion and politics, should cherish in their hearts a generous benevolence. While party preserves itself within the *essential rule of submission to the majority, and laws constitutionally made*, every freedom of reason and of speech, consistent with the rights of character of individuals, should be tolerated with good humour. But should the leaders of any party so far forget the character of Americans, as to encourage a riotous, rebellious and forcible opposition to constitutional laws and threaten a dissolution of the Union, it will then be time to "*frown indignantly*" upon these men—And should such profess themselves the disciples of Washington, we could not avoid comparing them with those loudly professed disciples of Jesus Christ, who slander, bite and devour, and in all their conduct deny the true spirit of the gospel. When popular phrenzy and mad insurrection of any part of the people against their own government is excited by mere demagogues of no standing and no talents but that of the tongue, the evils produced are not lasting, and threaten no final subversion of government and change of constitution. But when men "*whose talents, professions, property and influence have placed them in the most respectable grades of society, and in high offices of government,*" become so blinded, by a maniac spirit of party, as to forget all their former better knowledge, and employ all the arts, powers and influence, of which they remain masters, in promotion of principles and practices which they once abhorred, and which no sober man can justify, the crisis becomes alarming, and calls on all the friends of union, government and laws, without regard to party, to express in bold and decided terms, their firm determination to support the constituted powers, their own agents freely and frequently elected by a strong majority of the people; and declare that a small minority "*must and will*" submit.

The recent proceedings of "*an assemblage of citizens*" in the metropolis of the state, have excited universal regret in the minds of our fellow citizens. The right of the people to

assemble to petition for the redress of any supposed grievances, and to express with decorum and dignity, their sentiments, circumstances and situations, cannot be denied. But when, instead of availing themselves of this right, for these objects, men respectable for their property and influence, associate for the purpose of declaring that laws constitutionally enacted "must and will be resisted," all good citizens are alarmed at the temerity of their proceedings. A view of the situation we should be placed in, were such examples frequently to be before us heightens our apprehensions. If it be right to declare that one law "*must and will be resisted*" the same right will extend to all laws. If it be correct for one "*assembly of citizens*" to adopt and publish sentiments of this description; then with *others it will be equally correct*. And where are we to stop in this career of anarchy and confusion? It is astonishing, that the metropolis, which, from its opulence, has the greatest possible stake in the preservation of social order, should start with so much energy in the career of disorganization. And the united sentiment of the community must be directed with peculiar gratitude to your Excellency, who, acting upon your high responsibility, have, with so much dignity, afforded the weight of your patriotism, influence and character to save the Commonwealth from an example so pernicious and abhorrent.

Many mutual advantages are derived to town and country, from placing the seat of government in the chief maritime town. And it would be a circumstance much regretted, if any unfair use of these advantages on the part of the capital, or if any proceedings in their "*assemblages*," tending to irritate popular feeling, and produce unpleasant collisions, should make it necessary to remove their sessions from within "*these walls*."

Since the mighty strifes between Rome and Carthage, never has the old world been placed in a condition like the present. While two colossal nations struggle for existence and empire, surrounding states are trodden beneath their disregarding feet. The law of nations, and the maritime law, the pride and prosperity of Europe, the noblest productions of civilized man, are, perhaps, for a long time lost to the world. Man has descended and gone back to the practices of pirates and barbarians. The people of Europe, and nearest nations of Asia and Africa, seem to be expecting a mighty master in the final conqueror, and a new Roman empire. But to us it is consoling, that the Roman, the Grecian, and the empire of China, have

always had their bounds; and the earth has been found too large for the grasp of a man however great and ambitious. It does not become America to place herself instead of a Divine Providence to direct the concerns of distant nations. Our distance, the nature and extent of our territory, our internal resources, rapid increase of population, and the always superior bravery and constancy of freemen, place us beyond the fear of any considerable ill effects from the result of European wars. We prefer the words of Washington—"In them we have none, or a very remote concern."

Men of various employments have come together under our social compact. Of these the principal are agricultural, manufacturing and mercantile. To protect all these, and especially to protect the persons of our fellow citizens from foreign rapacity and captivity, according to the power and means enjoyed by the nation, is certainly the nation's duty. Yet not always by a hasty temper of war for every aggression. Not always by a vain declaration of war against nations beyond our reach. But by adopting, sometimes, in preference, such measures as may have a tendency to bring back, by a feeling of interest, the violator to the practice of justice. When two belligerents have done us wrong; it seems at first view even degrading to ask which wronged us first. Yet to a government, whose genius is more civil than military; a nation disposed to pass by former injuries, provided it can prevent their repetition, and secure justice for the future; it is not always uninteresting to search for the root of the evil it is attempting to cure. Hence men of different political persuasion have gone far into the field of facts, with various disputation and denial; into facts, since the event of which, nations undergoing revolutions feel not so strongly a national responsibility. May we not determine the point in a way more short, more certain and infallible? Has our government made repeated offers of friendship and commerce with that power which would cease to violate our neutral rights, accompanied with *promises* of non-intercourse with the other, until it should consent to do the same? Did the English plenipotentiary, Erskine, accept this offer? The question is not now, whether he was authorised; but whether the terms were more than just? If not, then England would not recall her unjust orders in council and blockades; not because our non-intercourse with France, in case of her non-compliance, would not be as effectual against the trade of her enemy as all her cruising ships; but because she feared France would also repeal her decrees, and thus res-

tore our rightful trade with both. Have our government made a later, similar, equal offer to both nations? Has France declared her acceptance, provided we, with good faith, keep our promise of non-intercourse with England, till she also complies? We consider this proviso as an insulting doubt of our national faith and firmness. And shall we justify this doubt, and break our own faith and promise, because we fear in turn that the Emperor of France may not keep his promise? No—Though all nations should be false, let America be true. No dishonour attaches to a nation deceived by a direct breach of faith. We believe that the people of the United States have too much common sense to prefer the scraps of a skulking commerce, preyed upon by all nations, to a probable free trade with continental Europe, and a hope at least that England, finding us firm and persevering in our prudent and peaceful policy, may discover it to be her true interest, as well as honour, to return to that regard to law and justice, which formerly secured to her the confidence of nations, and raised her to high pre-eminence in glory and power. To that justice without which the world must rather rejoice in her desolation.

The whole history of America has given convincing proof of a benevolent Providence, deducing good from seeming evil. And have we not now reason to expect that the manufacturing spirit, encouraged by the embarrassments on our commerce, may yet, in a national view, more than compensate for all the evils, which we are sorry to see so many of our fellow citizens now suffering from those embarrassments. For next to husbandmen, from what class can we expect to find more strong and brave soldiers in war, and virtuous citizens in time of peace, than from our industrious mechanics and manufacturers; and what can tend to make us more an independent nation, free from foreign influence, than an industry and ingenuity which can supply us with all the necessities and elegancies of life from our own resources. We wish always to see our agriculture and commerce aiding each other; while we cannot but rejoice to observe our farmers paying attention to a greater variety of produce, wanted in manufactures, and always finding a ready sale at home; promoting internal commerce, and lessening the necessity of importations. Surplus productions from our soil, fisheries and manufactures, we expect to have. "*To establish,*" for these, "*a market at home,*" suffering nations to come and purchase, "*who inhibit our commerce with them,*" would certainly be most "*unwise.*" And if any nations persist in attempts to prevent our resort to

what markets we choose, we "*spurn all commerce*" with such nations, we can live "*independent of them.*" And if this produces war we have no reason to fear. We have "*towering forests,*" "*fertile soil,*" "*rich mines,*" "*ample materials for a navy,* and *intrepid officers and seamen to man it.*"

The laws regulating elections are fundamental and of primary importance in every republican state. Their violation, whether by the fraud, unjust influence and partiality of officers concerned in them, or by open riot and "*turbulent proceedings in our primary assemblies,*" or ungenerous influence of the wealthy over the poor, by a too open ballot, are in the nature of high treason against the sovereign people. The House of Representatives will not fail to pay due attention to the suggestions of your Excellency on this subject.

We bless God for our rights of conscience, and "*that there exists a general spirit of liberality and tolerance*" both among our people and clergy; and a willingness to secure, by wholesome laws, these sacred rights to all. If any of that venerable order, which the people always wish respect, should "*perchance, wander into the devious paths of party politics,*" they will soon discover their own impotence; and regret the loss of that usefulness, which it was their duty to preserve.

To secure justice by good laws and an impartial administration of them; to promote and diffuse knowledge and morality by seminaries of learning and wise public institutions and a free press; to encourage a national republican spirit, by banishing all regard for the tinsel titles and trappings of monarchy and aristocracy; to foster a sacred regard for our state and national constitutions, dreading their infringement, and fearing the very approach towards their confines, these are the first care and the first duties of the Representatives of the free people of this state: and though on this occasion we have thought it necessary and not improper to follow your Excellency, in expressing our confidence in our constituted national authorities, and determination to support a union so dear to every true American; yet in all their proceedings, the House of Representatives will strictly confine themselves to subjects within their own state legislation, and state concerns; leaving the management of national and foreign affairs to that President and Legislature of the whole nation, to which they belong.

# RESOLVES.

June, 1811.

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## I.

*Resolve for an additional Notary Public in the county of Norfolk. June 4, 1811.*

*Resolved, That an additional Notary Public be appointed in the county of Norfolk, to reside at Dedham.*

## II.

*Resolve for an additional Notary Public in the county of Lincoln. June 4, 1811.*

*Resolved, That there be an additional Notary Public appointed for the county of Lincoln, to reside at Bath in said county.*

## III.

*Resolve for granting a tax for Bristol county. June 5, 1811.*

Whereas the Treasurer of the county of Bristol, has laid his accounts before the General Court for examination and allowance, which accounts have been examined and allowed, and the Clerk of the Court of Common Pleas for said county has exhibited an estimate made by the Justices of said Court of the necessary charges likely to arise within the said county the year ensuing, amounting to two thousand dollars. Therefore,

*Resolved, That the sum of two thousand dollars be, and the same is hereby granted as a tax for the county of Bristol, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid, according to law.*

## IV.

*Resolve directing the Committee on the pay roll to make up the pay of the Representatives from Gloucester and Wal-doborough, in 1810. June 7, 1811.*

*Resolved*, That the Committee on the pay roll be directed to allow and make up the pay of the Representatives from the towns of Gloucester and Wal-doborough, according to their request.

## V.

*Resolve establishing the pay of the members of the Council and General Court. June 7, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury, to each member of the Council, Senate and House of Representatives, two dollars per day, for each day's attendance the present session, and the like sum for every ten miles travel from their respective places of abode, to the place of the sitting of the General Court. *Provided*, That the attendance of the Representatives after the first twenty days shall be charged to the respective towns, which they represent, and no more, any law, usage, or custom, to the contrary notwithstanding.

*And be it further resolved*, That there be paid to the President of the Senate, and Speaker of the House of Representatives, each, two dollars per day, for each and every day's attendance over and above their pay as members.

## VI.

*Resolve on the petition of Elenor Southgate, authorising Daniel M'Farland to execute a deed. June 7, 1811.*

On the petition of Elenor Southgate, widow of John Southgate, late of Leicester, in the county of Worcester, deceased, Sally Southgate, child and heir of the said deceased, Jonathan Earle, and Samuel Watson, 2d. of said Leicester, guardians to all the minor heirs of the said deceased, viz. Harriot, Eliza, and George W. Southgate, praying that Daniel M'Farland, administrator *de bonis non* on the estate of the said deceased, may be authorised to make and execute a good and sufficient



deed of conveyance of five acres of land, lying in said Leicester, to Henry Morse.

*Resolved*, That for reasons set forth in said petition, that Daniel M'Farland, administrator *de bonis non* as aforesaid, be, and he is hereby authorised and empowered to make and execute a good and sufficient deed of conveyance to the said Henry Morse, his heirs, and assigns forever, of the said five acres of land, as described in said petition.

## VII.

*Resolve granting Oliver Paddock \$100.* June 7, 1811.

On the petition of Oliver Paddock, of Brookfield, in the county of Worcester.

*Resolved*, For the reasons set forth in the said Oliver Paddock's petition, that there be allowed and paid to him out of the treasury of this Commonwealth, the sum of one hundred dollars, as a compensation for his expenses and extraordinary services in detecting George Holbrook, and causing him to be recognised to appear and answer before the Supreme Judicial Court on certain charges of having committed divers frauds and forgeries.

## VIII.

*Resolve on the petition of Eunice Shepard.* June 8, 1811.

On the petition of Eunice Shepard, widow of Elisha Shepard jun. late of Wilbraham in the county of Hampshire, deceased, guardian of Thomas Jefferson Shephard, Delphia Shepard, and Delphina Shepard, minors, and children of said Elisha Shepard, deceased, and Levi Bliss jun. of said Wilbraham, and Statira his wife, and Benjamin Pearson, of Ludlow in said county, and Betsy his wife, stating that the said Elisha contracted with Samuel Lyman Esq. now deceased, to purchase of him a farm in said Wilbraham, lying near Nine Mile Pond, bounded east on land of Reuben Sikes, south on a road, and on land of John Glover and James Shaw, west on land of Moses K. Bartlett, and north on land of Leonard Miller and Chauncy Brewer, containing about two hundred acres, that the said Samuel in his life time made his bond, conditioned that if said Elisha or his heirs should pay the contents of his note to said Samuel, for four hundred and twenty-five dollars and

interest annually, that he would convey said farm to said Elisha, his heirs or assigns, and that said Elisha and Samuel, both deceased before payment of said note or executing said deed, and that the only surviving heirs of said Samuel Lyman, are Mary Lyman and Samuel Lyman, which said Samuel is a minor under the age of twenty-one years, and that the said Mary and Bezaleel Howard, the guardian of the said Samuel, are willing to convey all the right of said Samuel Lyman, deceased, upon payment of the money due on said note, and praying that for reasons set forth in said petition the said Bezaleel Howard may be authorised to convey all the interest of said Samuel Lyman, the minor, to Noah Merrick of said Wilbraham.

*Resolved*, That the said Bezaleel Howard, guardian of said Samuel Lyman, be, and he is hereby authorised to sell and convey by sufficient quitclaim deed duly acknowledged and recorded, all the interest of the said Samuel Lyman, said minor, in the said premises to him the said Noah Merrick : *Provided*, the said Noah shall pay and satisfy the full contents of the said Elisha's note to said Samuel Lyman, deceased, and annual interest, and the said Mary shall also convey all her interest in said land to said Noah : *And provided further*, that he the said Noah Merrick, shall first give bond to the Judge of Probate for the county of Hampshire, for the time being, and his successors in said office, in a sum and with sureties to the satisfaction of the said Judge, with condition that he will and shall pay over to the said minor children of said Elisha Shepard, to wit, Thomas Jefferson, Delphia, and Delphina, three fifth parts of the surplus of the purchase money of said farm, said purchase money being in the whole eleven hundred and twenty-five dollars, deducting therefrom the said sum so due to said Samuel Lyman, and to pay the same three fifths parts of said surplus with the interest thereof as he shall be ordered by the Judge of Probate for said county for the time being.

## IX.

*Resolve on the petition of Jonathan Plympton for a new note.*  
June 10, 1811.

On the petition of Jonathan Plympton, administrator on the estate of Moses Allen, late of West Boylston in the county of Worcester, deceased, setting forth that the said Allen in his life time was possessed of a State note, No. 471, for the sum of eighty-seven dollars and twenty-six cents, dated January 16,

1804, which said note has been lost or stolen, and praying that the same may be renewed.

*Resolved*, for reasons set forth in said petition, That the Treasurer of this Commonwealth be, and he hereby is directed to issue a new note for the same sum and of the same number and date bearing interest at five per cent. per annum to the said Jonathan in his said capacity, he the said Jonathan first giving bond to the satisfaction of said Treasurer, conditioned to indemnify the Commonwealth from all demands which may hereafter arise on account of the note lost as aforesaid.

## X.

*Resolve on the petition of Stephen Clark, empowering the Supreme Judicial Court to remit so much of a judgment as they may deem just.* June 11, 1811.

On the petition of Stephen Clark, of Clarksburg, in the county of Berkshire, praying for relief from a judgment rendered against him at the Supreme Judicial Court for the county of Worcester, on a recognizance entered into by him as surety for one Joel Corson.

*Resolved*, For reasons set forth in said petition, that the said Supreme Judicial Court be, and they hereby are empowered to remit to the said Stephen Clark, so much of the amount of the said judgment as they may deem just and reasonable, and to cause execution for the residue thereof, in the same manner as if the *scire facias* on said recognizance were now pending in said Court, and no judgment had been rendered thereon.

## XI.

*Resolve on the petition of Thomas Harris jun. directing the Treasurer to deliver to him a certain note.* June 12, 1811.

On the petition of Thomas Harris jun. praying that a certain State note standing in the name of Richard Cary, now in the Treasury of this Commonwealth, may be delivered to him.

Whereas a resolve passed the Legislature at their last session directing the Treasurer to receive of Josiah Bartlett a State note, No. 4614, for three thousand four hundred and seventy-three dollars and four cents, dated May 4, 1800, payable to Richard Cary, or bearer, and the said Bartlett having

represented that said note belongs to the heirs of Dennis De Bert, of London, deceased, and that it was uncertain who are the proper persons to demand the same, and the said Thomas Harris jun. having proved that he is duly authorised to receive the said note. Therefore,

*Resolved*, for reasons set forth in said petition, That the Treasurer of this Commonwealth be, and he is hereby directed to deliver to Thomas Harris jun. the said State note, No. 4614, for the sum of three thousand four hundred and seventy-three dollars and four cents, said Harris giving the Treasurer his receipt for the same, and depositing with the Treasurer the power of attorney giving him authority for the purpose of receiving the same note.

## XII.

*Resolve on the petition of Benjamin and Mary Rogers.* June 12, 1811.

Upon petition of Benjamin Rogers, and Mary Rogers, executors of the last will and testament of Joel Everts, late of Great Barrington in the county of Berkshire, physician, deceased and guardians to certain minors therein named praying leave for reasons set forth in their petition, to exchange the real estate of the said deceased therein described and now belonging to the residuary legatees, who are minors, for certain other real estate lying in Great Barrington which will be more advantageous to the minors, and will be capable of division so as to accommodate said minors.

*Resolved*, That said executors and guardians be and hereby are empowered to make the exchange prayed for, and to make and execute good and sufficient deed or deeds thereof to the purchaser, which shall be as effectual in law as if the same estate was sold at public auction for money, and that they be and hereby are authorised to receive in exchange other real estate in the town of Great Barrington, of the same or nearly equal value, and the estate so received in exchange, shall go and belong as directed in said will, and be subject to the same rules of partition, settlement or sale, as would apply to the estate left by the deceased: *Provided, nevertheless*, That the exchange be made agreeably to an appraisement by three impartial men to be appointed by the Judge of Probate for the county of Berkshire, and to be under oath, and that the appraisement comprehend the estate of the deceased, now proposed to be

exchanged, and also that which the executors expect to receive therefor, and that such appraisement be accepted and allowed by said Judge: *And provided also*, That the said Judge do certify thereon his approbation of the intended exchange, the said appraisement and approbation to be entered on the records of the Probate office, and to be made previous to the execution of the deeds. And whereas the most advantageous adjustment of the lots of real estate to be received by the said executors may leave a balance in favour of one of the contracting parties. Therefore,

*Resolved*, That the said executors be empowered, as the case may require, either to pay or to receive such balances in personal estate, provided the balance shall not exceed the tenth part of the appraised value of the estate given in exchange by said guardians.

## XIII.

*Resolve confirming the records of Livermore.* June 13, 1811.

On the petition of the Inhabitants of the town of Livermore.

*Resolved*, That the records of the said town shall be valid and good in law to all intents and purposes, notwithstanding it is omitted to be recorded therein, that their town clerk for the first year took his official oath according to law.

## XIV.

*Resolve confirming the doings of the assessors of Hartford.*  
June 13, 1811.

On the petition of the assessors of the town of Hartford.

*Resolved*, That the doings of the assessors of said town in their assessments of taxes for making and repairing of highways, and of the collectors thereof, or of their surveyors of highways, be, and the same are hereby confirmed, and made valid in law, notwithstanding the said assessors have not caused said assessments to be recorded in the town book or left a copy thereof with their town clerk or filed such copy in their assessors' office before they delivered the same to said collectors or highway surveyors, provided such assessments have been in other respects made according to law.

## XV.

*Resolve granting ten thousand dollars to the most necessitous of the sufferers by the late fire at Newburyport. June 13, 1811.*

The committee of both houses to whom was referred the consideration of measures proper to be adopted for the relief of the unfortunate sufferers by fire in Newburyport, beg leave to state,

That they have received satisfactory evidence of a fire having happened at Newburyport, which in the extent of its ravages, and its distressing consequences to the sufferers, has exceeded every calamity of that description, which has heretofore occurred in the Commonwealth. The most valuable part of the town is in ashes. A stock of goods and furniture of immense value is consumed, many individuals are reduced from affluent to humble circumstances, and many deprived of the earnings of industrious lives, of the means of present subsistence, of the prospect of future comfort, and exposed to a state of unqualified want and deep distress.

Such indeed is the extent of this unexampled calamity, that your committee, if permitted to consult merely their own feelings and dispositions, would recommend the grant of such relief as might alleviate the sufferings and losses of the various descriptions of the unfortunate, and encourage the distressed and impoverished inhabitants to make new efforts to retrieve their disasters, by rebuilding their town and resuming their occupations. But they are aware of objections naturally arising to a precedent which should divert a very considerable portion of the public funds from their ordinary appropriations to the claims of misfortune, however just and imperious.

They therefore feel themselves bound to confine their views to the grant of a sum, which if judiciously distributed may save from instant wretchedness and want, that portion of the sufferers who by this awful visitation have lost their all. And they recommend the following resolution.

H. G. OTIS, *per order.*

*Resolved*, That the sum of ten thousand dollars be paid out of the treasury of this Commonwealth, to the Hon. Joseph Story, the Rev. John S. Popkins, Rev. John Giles, the Hon. Daniel A. White, and Benjamin W. Crowninshield, Esq. for the use of the most necessitous of the sufferers by the late fire at Newburyport, and they or any three of them are hereby

appointed Commissioners to distribute the said sum in such proportions, at such times, and to such persons, as in their discretion may appear proper, regard being had to the actual circumstances and necessities of individuals, and to render an account of their doings to the Governor and Council.

*And further resolved*, That his Excellency the Governor, with the advice of Council, be authorised to issue his warrant in favour of said Commissioners, for the said sum.

## XVI.

*Resolve on the petition of James Harvey, granting \$300, for loss of land in Berkley. June 15, 1811.*

On the petition of James Harvey, praying to be compensated for certain lands situate in Berkley, in the county of Bristol, sold and warranted to him by said Commonwealth, from which he has since been ejected by due course of law, for want of a sufficient title in said Commonwealth at the time of the sale thereof, and also to be indemnified for costs and charges paid and expended by him in defending said premises.

*Resolved*, That there be paid to the said James Harvey out of the public treasury of this Commonwealth, the sum of three hundred dollars, which shall be a full compensation to him for the loss of the lands described in his petition, and for his costs, charges, and expenses in defending the same against the suit of one Venus Macomber, as therein set forth.

## XVII.

*Resolve on the petition of Samuel Parkman, granting the heirs of Thomas Service further time to settle two townships. June 15, 1811.*

On the petition of Samuel Parkman, attorney to Andrew Service, who is administrator on the estate of Thomas Service, deceased, proprietor of township No. 2 and 3, in the first range of townships between Bingham's million of acres (so called,) and New-Hampshire line.

*Resolved*, for reasons set forth in said petition, That a further time of two years from the first instant be, and hereby is allowed to the heirs and assigns of Thomas Service, to complete the settlement of thirty families on each of said townships, agreeable to the condition of settlement required in the deed,

and if the heirs and assigns aforesaid, shall within said time complete the settling duty aforesaid, that then the estate, right and title of the heirs aforesaid, shall be valid, full and effectual to all intents and purposes, as if the condition of settlement required by their deed, had been seasonably complied with: *Provided nevertheless*, That the heirs aforesaid shall on or before the first day of December next, give bond to this Commonwealth, in the sum of eighteen hundred dollars for each of said townships, with sureties to the satisfaction of the agents for the sale of Eastern lands, conditioned that the number of settlers required in said deeds shall be performed on or before the first day of June, eighteen hundred and thirteen, or for the payment of thirty dollars for each family which shall then be deficient.

## XVIII.

*Resolve allowing the agents on Eastern lands \$2000, to enable them to have surveyed twenty townships. June 15, 1811.*

On the representation of John Read and William Smith, Esquires, agents for the sale of Eastern lands, stating that they were not provided with funds to enable them to carry into effect the surveying of twenty townships of land, viz. ten townships on the contemplated road from Penobscot to St. Johns, and ten townships on the contemplated road from Kennebeck river to the river Chaudire, and reconnoitring the same as directed by two resolves dated the 14th and 27th February last. Therefore,

*Resolved*, That there be paid out of the treasury of this Commonwealth to said agents, the sum of two thousand dollars, to be by them accounted for, and to be applied for the purposes aforesaid, and his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the same.

*And be it further resolved*, That the agents aforesaid in their directions for locating of grants, are to consider the twenty townships laid out upon said roads, as appropriated, until further order of the General Court.



## XIX.

*Resolve on the petition of William Donnison, Adjutant General, granting an half year's salary. June 15, 1811.*

On the petition of William Donnison Esq. Adjutant General, praying for compensation for his services in his said office.

*Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth, to William Donnison Esq. the sum of six hundred dollars, in full compensation for his services in said office to the first day of July next, said sum to be in full for services, including office rent and clerk hire.

## XX.

*Resolve appointing a Committee to establish the lines between Saco and Scarborough. June 18, 1811.*

On the petition of Edmund Moody, Benjamin Pike, and Aaron Seammons, a Committee appointed by the town of Saco, in the county of York, setting forth that there is a dispute between the said town of Saco, and the town of Scarborough, in the county of Cumberland, respecting the boundary lines between the said towns.

*Resolved,* That John Neal, of Litchfield, Robert Town, of Arundel, and James Merrell, of Falmouth, be a Committee to repair to the said towns of Saco and Scarborough, who after giving seasonable notice to the Selectmen of each of said towns, shall proceed to adjust and establish the lines between said towns at their expense, and said Committee shall make report to the next session of the General Court of this Commonwealth.

## XXI.

*Resolve on the petition of Daniel Flint, rendering valid an affidavit. June 18, 1811.*

On the petition of Daniel Flint, of Reading, in the county of Middlesex, Esq. administrator of the estate of Adam Flint, late of Reading in said county, yeoman, deceased, intestate, praying that his affidavit of his proceedings relative to the sale of the whole of said Flint's real estate, made in the Court of Probate for said county on the sixteenth day of May last past,

and recorded with a copy of one of the original advertisements in the Registry of Probate for said county, may be valid in law, although not made within seven months after the day of sale as the law requires.

*Resolved*, That the prayer of the petition be granted, and that the registry of the affidavit and copy of the original advertisement shall be valid, and have the same force and effect in law, as if the same had been done within seven months after the day of the sale, any law to the contrary notwithstanding.

## XXII.

*Resolve granting a tax to the county of Dukes' county.*

June 18, 1811.

Whereas the 'Treasurer of the county of Dukes' county has presented his accounts to the Legislature for examination, which accounts have been examined and allowed. And whereas the Clerk of the Court of Common Pleas, for the said county, has exhibited an estimate made by the said Court of the necessary charges which have arisen within the said county for the year past, and of the sums necessary to discharge the debts of the said county.

*Resolved*, That three hundred dollars be granted as a tax for the said county of Dukes' county, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid according to law.

## XXIII.

*Resolve granting a tax for the county of Kennebeck.*

June 18, 1811.

Whereas the 'Treasurer of the county of Kennebeck has laid his accounts before the Legislature for examination, which accounts have been examined and allowed. And whereas the Clerk of the Court of Common Pleas, for the said county, has exhibited an estimate made by the said Court of the necessary charges which may arise within the said county for the year ensuing, and of the sums necessary to discharge the debts of the said county.

*Resolved*, That the sum of six thousand five hundred dollars be, and hereby is granted as a tax for the said county of Kennebeck, to be apportioned, assessed, paid, collected, and applied for the purpose aforesaid according to law.

*Message from his Excellency the Governor relating to the existing contest between Capt. Lot Pool and Ensign John H. Brown.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

ON the fourth of February last, I communicated by message to the Legislature the state of an existing contest between Capt. Lot Pool and Ensign John H. Brown, two militia officers of the third division, that this matter might be brought to a just issue. But the desirable object was not attained, the irritation of the parties has continued and increased, as will appear by the additional documents, numbered from one to three, inclusively, which the Secretary is directed to lay before you, and the case requires as early a decision as may consist with the important concerns of the Legislature.

The Secretary will also communicate the proceedings of the Supreme Executive in regard to the formation of two additional divisions of militia, by subdividing the sixth division in order to the appointment, if the two Houses should deem it expedient, of two Major Generals.

Pursuant to the request of the Senate a communication will in like manner be made of the last returns from the several incorporated banks in this Commonwealth.

E. GERRY.

*Council Chamber, 18th June, 1811.*

#### XXIV.

*Resolve on the petition of Isaac Maltby, correcting a mistake  
June 19, 1811.*

Whereas Isaac Maltby presented his petition to the Legislature of this Commonwealth at the last session, praying that Joseph Lyman, administrator on the estate of Israel Parsons, late of Hatfield in the county of Hampshire, deceased, might be authorised to make and execute deeds of two pieces of land lying in said Hatfield, which land was conveyed by said Isaac Maltby to said Israel Parsons as collateral security to guarantee the payment of a note of hand signed by Lemuel Dickenson, which note has been paid. And whereas on the 26th day of February, 1811, a resolve of the Legislature passed upon said petition, by which the authority which said petitioner

prayed might be granted to said Joseph Lyman was by mistake given to Jonathan Lyman. Therefore,

*Resolved*, That all the power and authority which by said resolve was given and granted to Jonathan Lyman be, and the same hereby are given and granted to the said Joseph Lyman, administrator as aforesaid.

## XXV.

*Resolve empowering Ann Smith to execute a deed to John Smith.* June 19, 1811.

On the petition of Ann Smith, of Arundel, in the county of York, widow, praying that she may be authorised and empowered to make and execute a deed of conveyance of a certain tract of land lying in Phillipsburg, in the county aforesaid, to Colonel John Smith, of Phillipsburg in the aforesaid county, which land Charles Smith, late of Arundel, deceased, and husband of the said Ann Smith, did in his life time bargain and sell to the said John Smith and receive the full consideration therefor, but no deed or other instrument under seal passed from the said Charles Smith to the said John Smith.

*Resolved*, for reasons set forth in said petition, That the said Ann Smith be, and she is hereby authorised and empowered to make and execute a deed to the said John Smith of the following tract of land, lying in Phillipsburg in the county of York, containing thirty acres of land in the first division, beginning at the north-east end of Edgecomb's Lot, and running north-east, keeping the full breadth of the lot until the thirty acres be completed, and is bounded on the north-west by land of proprietors unknown, and on the south-east by land of John Smith, and on the north-east by land of Nicholas Smith, and that a deed so made and executed by the said Ann Smith shall be good and valid to all intents and purposes as though the same had been executed by her husband in his life time.

## XXVI.

*Resolve granting \$10 05 to James Brown for services as a soldier at Augusta.* June 19, 1811.

On the petition of James Brown, a private soldier in captain Benjamin Prescott's company, which was ordered on duty in October, A. D. 1809, to guard the gaol in the town of Augusta.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth to the said James Brown the sum of ten dollars and five cents, and the Governor with the advice of Council is hereby authorised and empowered to draw his warrant in favour of said Brown on the treasury for said sum.

## XXVII.

*Resolve on the petition of Billy Emerson, authorising the Judge of Probate for Essex, to allow a further time to the Creditors of John Black to bring in their claims. June 19, 1811.*

On the petition of Billy Emerson and others.

*Resolved*, That the Judge of Probate for the county of Essex be, and he hereby is authorised to allow a further time of two months to the creditors of the estate of John Black, late of Salem in said county, truckman, deceased, to bring in their claims, and to authorise the Commissioners on said estate to meet one or more times for the purpose of receiving and examining the claims of the creditors of said estate, the said Commissioners to give such notice of their meeting as said Judge of Probate shall direct.

## XXVIII.

*Resolve authorising the Committee on Accounts to examine and allow the accounts of Medway. June 19, 1811.*

On the petition of Moses Richardson, in behalf of the town of Medway, praying for an allowance for the support of sundry paupers.

*Resolved*, That the Committee on Accounts are hereby authorised to examine and allow the account exhibited by the said town of Medway, in the same manner as they would have been authorised to have done, had it been exhibited within the time limited by law.

## XXIX.

*Resolve on the petition of Joshua Martin, directing the reinstatement of an action upon the docket of the Supreme Judicial Court for Hampshire. June 19, 1811.*

On the petition of Joshua Morton, stating that a Court of Common Pleas, holden at Northampton, within and for the

county of Hampshire, on the fourth Monday of August, Anno Domini 1807, he commenced a suit against Lucretia Chapin, administratrix on the estate of Frederick Chapin, late of Hatfield in said county, deceased, for breach of covenants in a certain deed by said Frederick in his life time executed and delivered to said Joshua, at which term of said court said action was entered and continued from term to term, until the third Monday in May, 1808, when said action was carried by demurrer to the Supreme Judicial Court holden at said Northampton on the third Tuesday of September then next, at which term of said court the said Joshua entered said appeal, and the said action was continued in said court from term to term until the third Tuesday of September 1809, when the same was dismissed by said court, in consequence of the original writ having been lost or mislaid, so that a copy thereof could not be produced in said court; and that since said action was dismissed as aforesaid, the said original writ, together with other papers belonging to said case, have been found. Therefore,

*Resolved*, That the Clerk of the Supreme Judicial Court for the county of Hampshire be, and he hereby is empowered and directed to reinstate said action upon the docket of said court, at the next term thereof to be holden in said county, and the parties shall have the same day therein, and the said court shall proceed to hear and determine the same in the same way and manner as they might and could have done if said action had never been dismissed by said court, but had been regularly continued from term to term therein, and that the cost in said action upon final judgment being rendered shall be subject to the direction of said court.

### XXX.

*Resolve granting to Joshua Tower \$60. June 19, 1811.*

On the petition of Joshua Tower, a private soldier in a company of militia in the town of Acton, praying for compensation for a wound which he received while on military duty, on the 28th day of September in the year of our Lord one thousand eight hundred and three.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid to said Joshua Tower out of any monies in the treasury of this Commonwealth not otherwise appropriated, the sum of sixty dollars, as a compensation for the time lost and money expended, in consequence of said wound.

## XXXI.

*Resolve authorising the Committee on Accounts to examine and allow the account of William Cutts. June 19, 1811.*

On the petition of William Cutts, praying for an allowance for military services performed by him as an Adjutant in the first regiment, first brigade, and sixth division of the militia of this Commonwealth, in the year 1806.

*Resolved*, That the Committee on Accounts are hereby authorised to examine and allow the account exhibited by said Cutts, in the same manner as they would have been authorised to have done, had it been exhibited within the time limited by law.

## XXXII.

*Resolve granting the Secretary \$120, to pay Assistant Clerks. June 19, 1811.*

*Resolved*, That there be allowed and paid out of the public Treasury unto Benjamin Homans Esquire, Secretary of the State, one hundred and twenty dollars, to enable him to pay such assistant clerks as he may judge it necessary to employ to expedite the public business of the present session of the General Court, he to account for the expenditure of the same.

## XXXIII.

*Resolve making addition to Silvanus Lapham's pay. June 20, 1811.*

*Resolved*, That there be allowed and paid out of the public Treasury of this Commonwealth unto Silvanus Lapham, assistant messenger to the General Court, one dollar per day, during the present session of the Legislature, over and above the ordinary allowance to him.

*Governor's Message, by the Secretary, to the two Houses.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

IN some counties of this Commonwealth great uneasiness in regard to the conduct of Sheriffs, and their Deputies, had existed previously to my election to the executive department,

and the evil still exists. Several applications from respectable citizens have been made the last year for the removal of some of the former, and had any charge been made and supported, which in my judgment would have authorised the measure, I should have applied an official remedy. But such is the nature of the trust as to be subject to partiality and other abuses which the people must sensibly feel, but which may have been so conducted as to baffle their measures for redress of the grievance. Justice requires that the Sheriffs should not be wantonly deprived of their bread and reputations by dismissal whilst faithfully discharging their duties, and on the other hand so important to the community, are fidelity and impartiality on the part of those officers as to render necessary every possible check on their malconduct. In some of the States they are appointed for a term of years; and a regulation of this kind, if it should appear salutary, reserving to the executive its constitutional rights, may have a good effect. Should a Sheriff misconduct, under such a provision, it will give an opportunity to the people, by remonstrance, for preventing his reappointment, although they might not have been able without great expense and trouble to make and support specific charges which would demand his removal. If this subject is viewed in the same light by the Legislature as by myself, a postponement of it will be injurious to the public, a circumstance which produces this late communication.

*Council Chamber, 20th June, 1811.*

E. GERRY.

*Message from the Governor relative to the disturbances in Lincoln county.*

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

IN my late address to the Legislature, mention was made of a report of the Commissioners on the subject of the unhappy disputes which had existed in the county of Lincoln, and the Secretary will now present that report accompanied by a mutual agreement "between the non-resident claimants to lands," which were the causes of the uneasiness, and by numerous documents, with a schedule thereof, numbered from one to ten, inclusively. If the Legislature in their present session, should close with the proposals of the non-resident claimants which appear to be liberal and equitable, peace and harmony will be restored again to the meritorious inhabitants of that county,



who will receive a just reward due for the blood freely expended by their ancestors, and for their own services heretofore promptly rendered in defence of the Commonwealth. The necessity of an immediate attention to this subject will be manifest when it is considered that our foreign concerns are in a critical state, and that gigantic powers, ever on the watch to extend their conquests and to foment divisions amongst a free people whom they wish to subjugate, employ secret and corrupt agents to enflame parties and to urge them respectively to acts of violence and hostility.

E. GERRY.

*Cambridge, 10th June, 1811.*

To the Honorable Senate and House of Representatives, in  
General Court assembled—May, 1811.

THE undersigned, having been appointed by his Excellency the Governor, under an order of both branches of the Legislature, passed on the 27th day of February last, Commissioners, to take into consideration the Message of his Excellency to the Legislature, of the 29th day of January last, relative to disturbances in the county of Lincoln, with the documents accompanying the same; and also, to take into consideration the memorial from the inhabitants of the towns of Bristol, Edgecomb, Nobleborough, Newcastle, and Boothbay, and the memorial of Samuel Tucker and others, all of which are now pending before the General Court, and to go into the said county of Lincoln, and investigate thoroughly, the nature and causes of the difficulties stated in said message and documents, and also, the nature and causes, and state of the difficulties and grievances complained of in said memorials, with power to send for such persons and papers, as should appear to us necessary, to enable us to determine, fully, on the subject of our commission, giving notice of the time and place of our first meeting, to the Selectmen of the several towns aforesaid, and to the said Samuel Tucker, and to such other persons as we might deem it expedient to notify, with power to appoint a Clerk, have attended the duties assigned to us in the said commission and order, in the following manner. After having given public notice, in all the newspapers printed in Boston, and in three others, printed in the District of Maine, and also, particular notices to the several memorialists, and such other persons, as within our knowledge and information, were in any manner interested in the titles to land, lying within any of said towns, we met at the Court House, in Wiscasset, on Wednes-

day the first day of May instant;—appointed Eleazer W. Ripley Esq. our Clerk, and proceeded to open the commission. Daniel Rose, Milton Goodenow, Aaron Blaney, James Drummond jun. Daniel Waters, and Stephen Parsons, Esquires, appeared as the constituted agents for the memorialists; and the Hon. Silas Lee, Esq. as counsel and attorney to the claimants, under what is called, the *Tappan right*, Samuel H. Flegg, and his counsel and attorney, in behalf of what is called, the *Drown right*, and James Noble and William T. Vaughan, with their counsel and attorneys, John Holmes, Jeremiah Bailey and Daniel W. Lincoln, Esquires, in behalf of what is denominated, the *Brown right*; and Josiah Stebbins Esq. as counsel and attorney, in behalf of the grant of a tract of land, made by the Legislature, to the *Lincoln Academy*.

At the request of the agents for the memorialists, we adjourned our subsequent meetings to the towns of Newcastle, Bristol and Nobleborough, where, at their desire, we viewed a number of places, which were shewn to us, as the ruins of ancient settlements; and having fully and patiently heard, all the allegations and witnesses, and seen and considered, all the deeds and other documents, produced by the agents for the memorialists, as well as such as were produced on the part of the non-resident claimants aforesaid, we respectively submit to the consideration of your Honours, the following result of our investigation and enquiries:—

So far as respects that part of the memorial of Samuel Tucker and others, a committee of the town of Bristol, and that part of the memorial of Benjamin Pummer and others, in behalf of a number of the inhabitants of the town of Nobleborough, which respects the conduct of the Hon. Judge Thatcher, in ordering out the militia, conformably to the law of March 6th, A. D. 1810, to support the surveyor appointed, by order of the Supreme Judicial Court, to run certain lines; as that law has since been repealed, the agents for the memorialists, voluntarily, withdrew all further complaint on that subject, and are satisfied with what has been already done by the Legislature.

The permanent grievances, of which they complain, are particularly detailed in the joint memorial of the several towns of Bristol, Edgecomb, Nobleborough, Newcastle, and Boothbay, and, to the investigation of the nature and causes of these complaints, our attention has been particularly directed;—and in order to give your Honours a correct view of the present state of the difficulties, of which the memorialists complain,

we beg leave, briefly, to state the origin and nature of the several claims, with which they are threatened, and the circumstances which have attended them.

The non-resident claimants, under what is commonly denominated the *Drowne claim*, exhibited as the foundation of their title, a patent, or rather an indenture, between the President and Council of New-England, on one part, and Robert Alsworth and Giles Elbridge, of Bristol, in England, on the other part, executed on the 20th day of February, 1631, by which, in consideration that the said Alsworth and Elbridge, "*have and will transport, and do undertake to transport, at their own cost and charges, divers persons into New-England, and there to erect and build a town and settle inhabitants*" — The said President and Council granted and assigned, to said Alsworth and Elbridge, their heirs and assigns, "*one hundred acres of ground for every person so by them transported, within the space of seven years next ensuing, that shall abide and continue there three years, or die after they are shipped.*" The same indenture also granted to said Alsworth and Elbridge, their heirs and assigns, "*twelve thousand acres of land over and above such settlers' lots, to be taken and laid out near the river, commonly called and known by the name of Pemaquid, and next adjoining the place where the people and servants of said Alsworth and Elbridge are now settled, or have inhabited for the space of three years last past, to be taken together along the sea coast, as the coast lieth, and so up the river, as far as may contain the said twelve thousand acres, with all the islands and islets, within the limits next adjoining the said land, butting within the limits aforesaid, three leagues into the main ocean.*" And it was further agreed, on the part of the said President and Council, "*that upon lawful information given of the bounds, metes and quantity of the lands so chosen and possessed, the said President and Council, upon surrender of this present grant, and upon reasonable request, by said Alsworth and Elbridge, their heirs or assigns, within seven years now next coming, shall and will, by deeds indented, grant, enteeof and confirm, all and every of the said lands, set out and bounded as aforesaid, to the said Robert Alsworth and Giles Elbridge, and their associates.*" And it was further covenanted, in said indenture, "*that the said Alsworth and Elbridge, their heirs and assigns, shall not, at any time hereafter, aliene these premises or any part thereof, to any foreign nations, or to any person or persons whatsoever, without the licence, consent and agreement, of the said President and Council, and their successors and assigns, except it be to their own ten-*

*ants or undertakers, belonging to the said town, by them to be erected as aforesaid, upon pain of forfeiture of the said land, so aliened to the use of the said President and Council again."* The said indenture also constituted Captain Walter Neale and Richard Vines, the attornies of the said President and Council, to enter the premises and deliver possession thereof; and there appears endorsed thereon, the following memorandum:—" *The possession of all the lands contained in this patent, was delivered by me Walter Neale to Abraham Shurte, to the use of Robert Alsworth and Giles Elbridge, merchants, of the city of Bristol, this 27th of May, 1633: WA: NEALE.*" The patent appears to have been recorded in the Registry of the county of York, April 2d, 1737; it also appeared by the deposition\* of Abraham Shurte, not signed, but taken and sworn to before Richard Russel, magistrate, on the 25th of December, 1662, and recorded in the Secretary's Office, March 28, 1744, that in 1629, (*two years before the patent was dated,*) Walter Neale gave him possession of the lands under that patent; and that he bounded the twelve thousand acres therein, "*from the head of Damariscotta to the head of the river Muscongus, and between it to the sea;*" and "*that some years afterwards, Thomas Elbridge, to whom the patent belonged, coming to Pemaquid, held a Court there, to which the inhabitants repaired, and continued their fishing, paying a certain acknowledgement.*"

It is contended by the present claimants, that this grant is a joint tenancy, and that Giles Elbridge survived Robert Alsworth, and became sole proprietor of the whole, and that John Elbridge, eldest son of Giles, afterwards died, and, by his will, devised the whole to Thomas Elbridge, the second son of Giles, and that so, the present claimants, derive their title down, through him.

No other evidence, of the lineal descent of Thomas Elbridge, or of the devise of his brother, was exhibited to the Commissioners, than such as arose from recitals to that effect, in the deeds of the said Thomas Elbridge, and no evidence whatever, of the survivorship of Giles Elbridge. It appeared, that on the first day of February, 1651, the said Thomas Elbridge conveyed† one half of the whole patent, to Paul White,—and that in April, 1653, Paul White conveyed‡ this moiety to Richard Russel, and Nicholas Davison, and in July, 1657, Richard Russel conveyed§ his quarter of the patent, to Nicholas Da-

\* Abraham Shurte's deposition, cc.      † T. Elbridge's deed to Paul White, cc.

‡ Deed, Paul White to Russel and Davison.

§ Deed, Richard Russel to N. Davison, ff.

vision, and on the 3d day of Sept. 1657, Thomas Elbridge conveyed\* his other moiety of the patent, to the said Nicholas Davison. It appears on the face of these deeds, that Nicholas Davison, at the time of the said conveyance, resided at Charlestown, in the county of Middlesex, and his will,† dated March, 1665, styles him of that town. The present claimants, traced a title down to Shem Drowne's wife, who was one of the descendants of Nicholas Davison, and they produced a power of attorney‡ from the other heirs, to Shem Drowne, dated the 3d day of Sept. 1735, all of whom, as well as Nicholas Davison and all the intermediate claimants, were non-resident within the patent, and no evidence was given to the commissioners, of any actual possession of any part of the patent, by any person interested therein, from the year 1657, to the year 1737, when it appears, by the depositions of Alexander Erskine§ and Patrick Rogers,|| that Shem Drowne first took possession, and employed John North to take a survey of the patent lands; and it appears by a plan made and signed by John North, November 2, 1741, that an actual survey was taken by him, and the land laid out in lots, among the proprietors, and a division deed¶ was executed among them, on the fifth day of October, 1752, to the whole extent from Damarascotta falls and Madomock down to the sea. But, by two witnesses produced on the part of the agents for the memorialists, viz. William Jones\*\* and Jonas Fitch,†† it appears, that the survey embraced 70 or 80000 acres, instead of 12000, granted by the patent. The claimants produced a large number of leases to different settlers, from the year 1744, to 1761. They also produced a copy of the petition of the Pemaquid proprietors,‡‡ to the legislature of Massachusetts, dated January, 1773, praying that their proceedings, in their proprietors' meetings, might be ratified and confirmed, any irregularity in the same notwithstanding, and a ratification thereof by the legislature, March 1, 1774.—And the present claimants contend, that this act of the legislature, is a confirmation of all the rights, originally intended to be granted, by the patent.

No evidence was produced to the Commissioners, that the original patentees had transported or shipped any settlers, after their patent was granted—Nor, that within the seven years next following the date of the patent, any deed of confirmation was

\* Tho. Elbridge to N. Davison, hh.

† N. Davison's Will, kk.

‡ Habijah Savage and alias power, ss.

§ Deposition of Alexander Erskine, tt.

Deposition of Patrick Rogers, uu.

¶ Deed of Division, xx.

\*\* Commissioners' records, page 5. †† do. p. 31. ‡‡ Petition and resolve, aaa, bbb.

granted by the President and Council of New-England, to them or their associates, or that any request was ever made, by the patentees, for that purpose.

*Whether the first of these acts is to be considered as a condition precedent, and the other a condition subsequent, on the performance of which, the validity of the grant was to depend: and whether the alienation of the patent lands, by the heir of the surviving patentee, without the consent and agreement of the President and Council of New-England, to persons not his own tenants, and not belonging to the town, erected under the patent, operates as a forfeiture of the lands so aliened, to the use of the said President and Council of New-England; and whether the rights accruing under such forfeiture, are not now vested in the commonwealth, or whether the absence of possession for eighty years, unaccompanied with any acts of settlement or building a town by themselves or others under them, does not work a forfeiture of the rights of the patentees and their assigns, by non user; or*

*Whether the doings of the legislature of the late Province of Massachusetts in 1774, legalising the irregular proceedings of the meetings of the Pemaquid company, be a confirmation of all the original patent rights, to the non-resident grantees of the original patentees, are questions which naturally present themselves in this enquiry, but which, without the assent of the parties to some other mode of adjustment, exclusively appertain to the supreme judiciary ultimately to determine, and therefore the Commissioners forbear to offer any opinion upon them.*

The non-resident claimants, under what is denominated the *Tappan right*, derived their title from the Indian deeds to Walter Phillips, the first from Josle and his son and wife;\* the second from Wittenose and Erle Dugles;† the third from Erle Dugles,‡ all of whom, in said deeds, are styled Sagamores.

The first of these deeds, from Josle, &c. is dated the 15th of February, 1661, and appears to be the condition of an obligation, which is, that Walter Phillips, “*shall peaceably hold, enjoy and possess, from the date of these presents to him and his heirs and assigns forever, all and singular these lands, beginning at the lower end of the salt pond at Damariscotty, so tending right over to Cavesisix river due west northwest, so tending right up in the country three leagues, from the mouth of the*

\* Deed, Josle, &c. to Phillips, N.

† Deed, Wittenose et al to same, U.

‡ Deed, Erle Dugles to Phillips, T.

*fresh falls, all the upland and marsh or marshes there belonging therunto, within the compass of the three leagues above mentioned, which lately was the lands of the within named and bounden Josle, Sagamore of the said land."* This instrument appears to be a bond, for quiet possession of the lands, rather than a deed of conveyance of the fee, and it refers to a deed anterior to it, —and is not acknowledged, but appears to have been entered in the records of Sheepscot, May 26, 1667,—and said to be lodged in the Secretary's office, as certified by J. Willard, Sec'y, January 13, 1730;—but no such book has been ever found to be lodged in the Secretary's office.

The second deed to Phillips, from Wittenose and Erle Dugles, is of the same nature with the foregoing, and seems to be the condition of a bond, for his quiet possession of lands, thus described, "*Beginning at Pencotsgowake, THE ONE HALF upwards to the lower end of the salt pond to the end of the land throughout, to the indraft that comes out of the salt pond, so likewise from Pedcogowake down to the noke below the house of the said Walter Phillips, which the natives used to carry their canoes over to Cavesix river, so likewise on the other side of the said meadow that lies west northwest from Pedcogowake 200 poles in length northwest, all marshes fresh or salt within the limits above mentioned which lately was the lands of the within named Wittenose, Sagamore, and Erle Dugles his brother, Sagamore."*

This instrument also refers to a prior deed or grant, and is dated, January 19th, 1662; it is not acknowledged, but appears by Secretary Willard's certificate under date of 13th of January, 1730, to have been recorded in the Sheepscot book of records, before mentioned, on March 4th, 1665.

The third deed to W. Phillips, from Erle Dugles, bears date December 23, 1674, and conveys to him, his heirs and assigns, "*a tract of land, lying and joining to a tract of land of Thomas Kimball, on the eastern side of Damariscotty fresh pond, which is five hundred acres joining to the fresh falls."* And also, "*all the remainder part of the said land on the eastern side of Damariscotty as by as the head of the pond or any branch thereof, and in breadth six miles with the trees, mines, water and water courses within said limits, and the right and privileges as well by water as by land."* This deed was not acknowledged, but appears to have been recorded, in the office of Benjamin Rolfe, a Notary Public in Boston, January 13, 1730, and in York County Registry, September 12, 1737.

In the two first of these deeds there appears to be no consideration expressed, or what the penalties of the bonds were and the third deed barely says, for a good and valuable consideration, without expressing what it was.

It appears by a deed,\* from Walter Phillips to Christopher Tappan, dated November 10, 1702,—that he conveys to said Tappan, his heirs and assigns, all the lands mentioned in the first Indian deed from Josle, &c. and described it, as it is therein described, and also he conveys to said Tappan, in the same deed, “*ALL the land, beginning at Pedcogowake and extending upwards to the lower end of the salt pond and all the land throughout to the indraft that comes out of the salt pond,*” &c. as described in the second Indian deed, from Wittenose and Erle Dugles, to W. Phillips;—this deed was acknowledged, the same day it was dated, and recorded in the York County Registry, September 12, 1737.

By another deed,† from Walter Phillips to Christopher Tappan, bearing date the same 10th day of November, 1702, and acknowledged the same day, and recorded at the same time with the preceding, in York County Registry, it appears, that W. Phillips conveys to said C. Tappan, the same tracts of land, mentioned in the third Indian deed, from Erle Dugles to said W. Phillips, and described as therein described.

It appears by the two deeds, from Walter Phillips to Christopher Tappan, that said Phillips was, at the time of the execution of said deeds, an inhabitant of the town of Salem, in the county of Essex, and that said Tappan was an inhabitant of the town of Newbury, in the same county.

It appeared in evidence,‡ that at the time of the execution of the deeds, from the Indians to Phillips, he occupied a small part of the tract, so conveyed to him, and was in the improvement of it, as a farm, for several years. At what time he abandoned the possession did not appear, but it is obvious that, in 1702, when he conveyed to Tappan, neither he nor Tappan, were in possession, nor any one under them, or either of them;—but it appeared in evidence,§ that about the year 1720, two or three persons went on as tenants, under Tappan, and cleared and improved some part of the land, but to what extent did not appear. And, in June 1733, John Pearman and Joseph Winter, went on to part of the lands, under lease|| from Tap-

\* Deed, Phillips to Tappan.

† Ditto same to same.

‡ Esther Roberts' depo. b—John Dalls ditto, c—Samuel Small ditto, d—John Curtis, e.

§ Samuel Getchel's depo. 1.

|| Tappan's lease to Pearman and ———g.—Wm. Jones' evidence, Com. Rec. p. 5.



pan. The claimants, under this right, produced the deposition of Surplus Mars,\* to prove, that in the year 1749, they caused an actual survey of that part of the Tappan right to be made, which lies on the east side of Damariscotta Fresh Pond and River, but the agents for the memorialists, as well as the other claimants, contended, that no credit was to be given to Surplus Mars' testimony, and to invalidate it, produced other depositions of the same man, which militated with the testimony given in this deposition, and no plan of any such survey was produced. It further appeared in evidence,† that some persons, who were settlers on the lands, were induced, at various periods, either by threats of suits or other means, to take deeds under the *Tappan right*—But it did not appear, that the claimants, or any persons for them, have been in actual possession of any parts of this claim, from about the year 1730, to the present period. And the claimants under the Brown right, to invalidate the Tappan right, produced a copy,‡ from the records of the late Superior Court of Judicature, by which it appeared, that on a trial of an action of ejectment, in the Superior Court, held at York, June 1742, in which Christopher Tappan was demandant, and William Vaughan and others, defendants, William Vaughan took upon himself the sole defence of the action, for himself and co-defendants, and recovered judgment against said Tappan for costs of suit; in which action the claimants under the Brown right contend, that the merits of the two claims were tried, but of this we had no evidence.

The non-resident claimants under the *Brown right* so called, exhibited as the origin of their title, an Indian deed,§ from Captain John Somerset and Unongoit, therein styled Indian Sagamores, dated the 15th day of July, 1625, to John Brown, of New-Harbor, of a tract of land thus described, “*Beginning at Pemaquid falls and so running a direct course to the head of New-Harbor, from thence to the south end of Muscongus Island, taking in the Island, and so running twenty-five miles into the country north and by east, and thence eight miles north-west and by west, and then turning and running south and by west, to Pemaquid, where first begun.*” This deed, it appears on the back of it, was acknowledged by Somerset and Unongoit, on the 24th of July, 1626, before Abraham Short, and

\* Deposition of Surplus Mars, x.

† John Farley's testimony, Commissioners' Records, page 17.

‡ Copy of Judgment, Vaughan v. Tappan, A. i.

§ Deed Somerset and al to Brown, h—Deed John Brown, son to John Brown ad.

has this farther indorsement:—“ *Charlestown, December 26th, 1720—Received, and at the request and instance of James Stelton and his sister Margaret Hilton, formerly Stelton, they being the claimers and heirs of said lands, accordingly entered by Samuel Phipps, one of the clerks of the committee of eastern lands.*” And an attested copy of it was recorded in York county Registry, August 3, 1739, and in authenticity of this deed, the claimants offered the deposition of Simon Frost, formerly deputy secretary of the Province, under Josiah Willard Esq. in which he testifies,\* that when he was in the aforesaid office, he drew from one of the books in the office, called the Book of Records of Eastern claims of lands lying in the eastern parts of said Province, the aforementioned deed, which was there fairly recorded, and of which the deed aforesaid is a true copy, and the deponent further testified, that when the Court-House in Boston was burnt, about the year 1748, he has reason to believe he said Book of Records was consumed by fire; but the claimants under the Drowne right, produced the deposition† of John Brown, the son of the grantee, not signed, and of Benjamin Prescott,‡ in confirmation thereof, to invalidate the claim of his father to any other lands, than what he actually improved, and to invalidate the recording of that claim, by Hilton or Stilton.

The present claimants derive their title down through John Brown, the original grantee, from Somerset and Unongoit. It appeared that John Brown, the father, at the time of the execution of the Indian deeds, lived at New-Harbor,§ within the limits of the boundaries described in those deeds, and remained there until his death, and that, on the 8th day of August, 1660, he conveyed, by deed|| of that date, to Sauder or Alexander Gould, and Margaret his wife, about one third of the original grant from the Indians, to said Brown, and which, by the description in the deed, lays about midway of the twenty-five mile tract, and is said to be eight miles square; and the title to this eight miles square, through the said Alexander and Margaret Gould, and the residue of the claim, through the son and grandson of the said John Brown, the original grantee, is said to be traced down to the present claimants.

It appears, that about the year 1720, William Stilton, husband of Margaret Gould, who was daughter of the aforesaid

\* Deposition of John Pearce, 2h.

† The deposition of John Brown, the son, dtd.

‡ The deposition of Benjamin Prescott, F. 1.

§ John Pearce's deposition, an—Cyrian Southwick, ab—Ruth Barnaby, a.

|| Deed Brown to Gould and wife, Im.

Sander and Margaret Gould, the grantees of John Brown, lived on the granted premises\* a number of years, till killed by the Indians, and that John, the son of John Brown, the original grantee, then lived at New-Habor, and that in 1724, a survey was made of the lands granted to said John Brown the elder, according to the limits and boundaries of the Indian deeds,† and that in 1763, an actual survey was made, of the eight mile square, which was granted by John Brown the elder, to Sander Gould and wife, by order of James Noble,‡ and the other heirs, claiming the eight miles square, and that William Hilton, one of the heirs, lived upon it a number of years,§ and that in 1750, or thereabouts, James Noble,|| claiming under the *Brown right*, leased part of the premises and improved other parts, and that from 1752 to 1765,¶ Noble and Vaughan, another claimant under the *Brown right*, and those under them, had improved all the lands, lying on both sides of the river Damariscotta and the Fresh Pond, to the head thereof, and on the west side of said pond, half way to Sheepscook river, and on the easterly side of said pond, as far as Pemaquid Fresh Pond; and no evidence was given to the commissioners, that any person interested in the claim, has been in actual possession, from the year 1765, to the present time, except that, sundry of the settlers had been induced to take deeds under this claim.

Thus it appears, that the instruments before described, which purport to be deeds from Indian Sagamores, or the individuals of some tribe, form the whole foundation of both the *Brown* and *Tappan* claims.

Without arresting the attention of your Honours, by advertising to questions of minor consideration respecting these instruments, and whether the two first instruments, to Walter Phillips, being only conditions of personal obligations to him, that he, his heirs and assigns, shall peaceably enjoy and possess the described premises, be of equal validity to convey the fee as an actual grant, bargain and sale of the same would be, or whether there being no consideration expressed in any of the deeds to W. Phillips, and only fifty skins, in that to John Brown, be sufficient to avoid them as fraudulent; or whether,

\* John Pearce's deposition, n.

† Jonas Jones' deposition, t: and David Terry's deposition, u u u.

‡ Joseph Jones' deposition, u.

§ Thomas Bodkin's deposition, z.

|| Deposition of Caleb Maddox, v—ditto of Elisha Clark, w—ditto of James Forrester, a m—ditto of Arnold Weathren, a o

¶ Deposition of William Blackstone, x—ditto of Lydia Stanwood, y—ditto of Robert Hodge, a l—ditto of Ichabod Linscot, a n—ditto of Samuel Kennedy, v v v—ditto of John Hitchcock, x x x.

Walter Phillips, in his first deed to Christopher Tappan, has not conveyed the whole, when only a moiety was conveyed to him, by the Indians? The commissioners think it of more importance to call the attention of your Honours to the consideration of the general question, what validity ought to attach to any deeds, from the native Indians, to individuals, of large tracts of territory, which have not been *formally ratified and confirmed by some act of the Legislature*? We are unable to say what has been the opinion, of the Supreme Judicial Court, on this question: but it appears, by several acts, made by the colonies of New Plymouth and Massachusetts, to have been the policy of our ancestors, from the earliest periods of our history, to discourage all such unratified contracts and conveyances; and as early as the year 1633, each of said colonies passed an act forbidding all persons from purchasing lands of the Indians, *without the licence and approbation of their respective General Courts*; and early after the charter of William and Mary, in 1692, when the whole territory of Acadia, from Sagadahoc to the St. Croix, was annexed to the province of Massachusetts Bay, to wit, in 1697, by an act entitled, "*an act of limitation for quieting possessions*," which was passed to enable all persons, who had claims to lands, to pursue their rights against persons in possession, until 1704, and to extend the limitation, as to lands lying to the eastward of Piscataqua river, to five years after the termination of the then war with the Indians, it is provided "*That no person or persons, pretending right or title to any lands, lying within this province, purchased of any Indian or Indians, without orderly allowance and confirmation thereof had, according to former laws and usage, of the several colonies of Massachusetts and New Plymouth, and Province of Maine, respectively, shall have or receive any benefit by this act, with reference to such lands*," Whether this provision in the act was intended to extinguish or bar the rights of all claimants under unratified Indian deeds, not in possession, within the whole extent of the then Province, or was confined to such only, as lay within the old colonies of New Plymouth and Massachusetts, and Province of Maine, as far as Sagadahoc, belongs to the Judiciary to determine; but by these statute provisions, it must be evident, that in the estimation of our ancestors, but little validity ought to be given to Indian deeds, *unaccompanied by some previous allowance, or subsequent ratification of the Legislature*: and it is believed, that no further authenticity is, at this day, allowed to attach to such of them, as are not thus confirmed, than to admit them as evidence of

a relinquishment, on the part of the native, of his right of hunting and fishing within the limits described, and of a right of peaceable entry to the grantee ; but that the extent of his right, in the fee of the soil, must depend on the extent of his actual possessions and improvements, without reference to any boundaries expressed in his deed.

But the claimants under these deeds produced a Resolve of the Legislature of the late Province of Massachusetts Bay, passed March 7th, 1700, appointing "*a committee to receive and examine the claims of all proprietors of lands, and of such as shall challenge propriety in any of the lands lying within th's province to the eastward of the town of Wells, laid waste by the late war ; the said committee to cause publication to be made of the time and the places when and where they shall appoint to sit, for that end, and to make report of their doings unto the next General Assembly.*"—And they contend, that having caused their Indian deeds to be recorded, in a book kept for that purpose in the Secretary's office, a number of years after the passing of this Resolve, is tantamount to a legislative allowance and confirmation of such deeds. No evidence was offered to the commissioners, that the committee appointed by that resolve, ever gave any other sanction or validity to the claims, than to suffer them to be received and recorded, at the request of the parties—and it did not appear that the committee made any report thereof to the Legislature, or that any subsequent doings of the Legislature was ever had upon them.

Whether the construction given to this resolve by the claimants be correct or not, is not within the authority of the commissioners to decide ? But they take leave to observe, that afterwards in the year 1715, the Legislature passed an Act, entitled, "*An Act in addition to the Act of limitation for quieting of possessions,*" respecting lands lying to the eastward of Piscataqua river, by which it is provided, "*that there shall be a further time of five years, from the last of this instant July 1715, allowed all persons to pursue their right and claim to any houses and lands, in those parts and places, and every of them, and no longer.—And all actions and processes, to be thereafter brought for the same, are hereby excluded and forever debarred. Provided always, that there shall be a saving of all public lands, belonging to this Province, not orderly disposed of.*" No distinction appears to be made by this statute between any claims, whether derived from Indian deeds, British patents, or mere naked possessions.

If the true construction of this statute be, that the rights of all claimants then out of possession, who should not, before the last of July 1720, enter into possession or bring their action against those who should be then in actual possession, should be barred in favour of those in possession; and that to all lands where no individual was in possession, the rights of the claimants not pursued by actual entry or public claim, made and acknowledged by the Legislature, within the time limited by the Act, were to be extinguished in favour of the Province, then it will appear that the rights under the three claims of *Browne*, *Drowne* and *Tappan*, were, on the last day of July 1720, entirely extinguished, as the claimants under all of them were then, and for a long time before had been, out of possession, and none of them brought suits or made entry, or even recorded their claims in the Secretary's office, until after the times limited by that statute had expired. The *Brown* claim, which was the first, not having been entered in the Secretary's office until the 26th of December 1720, and the Indian deeds, on which the *Tappan* claim is grounded, not having been entered until January 1730—And the Pemaquid patent, on which the *Drowne* claim is founded, not having been entered in the Secretary's office at all, and not recorded in the York county registry until April 1737.

It appeared in the course of the investigation, that there were several other deeds and conveyances of land, lying within the towns mentioned in the memorials, or some of them, made by pretended Sagamores, one from which the Hathorne claim (so called) is derived, to a part of the town of Boothbay; but as these claims were not represented before the commissioners, and, as was said, are at present obsolete and extinct, they did not go into a particular investigation of them.

It further appeared, that the lands in question were all included within the grant of the crown of England to the duke of York, in the year 1664—And that his Lieut. Governor, Col. Dungan, exercised acts of government over the territory; but as there were no claimants under this grant before the commissioners, and it was represented that no claims under it now exist, except the rights of the settlers who hold their possessions under it, they gave it no further consideration.

By reference to the boundaries of the three represented claims, and to the plan exhibited among the documents, it will appear, that the *Brown* claim covers most of the town of Bristol, all the towns of Nobleborough and Jefferson, and part of the town of Newcastle; and that the *Drowne* claim covers all

the town of Bristol, and part of the towns of Newcastle and Nobleborough, and that the Tappan claim covers a great portion of the same lands with the Brown claim, and that the two Drowne and Tappan claims partially interfere with each other—And that the Brown and Tappan claims also cover all the lands granted by the Legislature to the Lincoln Academy. But that no part of the lands within the towns of Edgecomb and Boothbay fall within the lines of either of the three claims. The alarm therefore of the inhabitants of these towns, the commissioners suppose, was excited by an apprehension that the obsolete claims of those who might pretend to hold under the grant to the duke of York, or under the obsolete Indian deeds, called the Hathorne claim, &c. might be revived against them.

With respect to the inhabitants of the other towns, the agents for the memorialists, as will be seen by recurrence to the records of the commission, introduced a number of aged witnesses, and documents, in support of the allegations contained in their several memorials. From which it appeared, that the towns mentioned in the memorials are now very generally settled; that nearly all the lots are occupied, and have been, by the present settlers or their ancestors, or grantors, for a great number of years—That during the former wars with the savages, the inhabitants displayed the utmost courage and fortitude in defending their exposed frontier, and endured sufferings and hardships of the severest nature. That during the struggle for our national independence, their exertions were arduous and unremitting; that they paid their contributions of taxes with alacrity, and embarked in the common cause with vigour and decision. As an instance of this, we beg leave to state, that it appeared in evidence, that one quarter part of the able bodied male inhabitants of the town of Bristol fell during the revolutionary conflict, in defence of their country, either by land or by sea. During these periods of difficulty and danger, no claims from proprietors molested them. In the language of the memorial, "the inhabitants alone bore the burthen and heat of the day," and they undoubtedly supposed, as a witness remarked, that they were defending the soil to enjoy it themselves, and transmit it, as their property, to their descendants.

It appeared in evidence, that in 1729, one Col. Dunbar was sent over, under the real or supposed authority of the king of Great-Britain, for the purpose of settling this part of the country; under an idea, that by the conquest of the country from the French, the right of soil was vested in the crown, to the

exclusion of the owners, prior to the conquest thereof by the French. Accordingly, about the year 1730, he surveyed and laid out three tracts of land, to which he affixed the names of Walpole, Harrington and Townsend—the former situated partly in the present town of Nobleborough and partly in Bristol, the second in Bristol, and the third in Boothbay. He laid out the plan of a city at Pemaquid point, near the ocean; surveyed the residue of his towns, and granted them to settlers. One witness testifies, and it is corroborated by a view of the country, that 150 families were settled in these towns at this early period; many of them living on their lands in time of peace, and repairing to the fort for protection in periods of difficulty with the French or savages. It appears in evidence, that afterwards S. Waldo, Shem Drowne and Sir Biby Lake, petitioned the King and Council for the removal of Governor Dunbar; which petition, together with the question to whom the right of soil belonged, after the reconquest of the country from the French, were referred to the attorney and solicitor general, who decided, that as the country was not ceded, by treaty, by the French to the English, but was obtained by reconquest, the right of soil returned to the former proprietors, by the rights of postliminy, and governor Dunbar was accordingly removed, and no provision was made to quiet the settlers who came on under him.

One grant, made by Dunbar, it appears, was to Denny and M'Cobb, of Townsend, now Boothbay, and almost all the inhabitants of that town, it was testified, are descendants of the settlers under that grant.

It further appears in testimony, that brigadier general Waldo claimed originally on both sides of the Muscongus—His son went to Germany, and issued a proclamation for the purpose of inducing settlers to come to this country, and locate themselves on his lands: a number came, and were settled by him, on the western side of Muscongus river, within the territory, which he then claimed, now in the town of Bristol. The claim of Waldo was afterwards adjusted with the Commonwealth, and his heirs released all the lands, to the west of Muscongus river; of course, the release included a number of the settlements, which the emigrants from Germany had made. By this arrangement, they were placed within the present conflicting claims; and the heirs of Waldo, though bound upon every principle of justice and good faith, have never made them any indemnity whatever.



It further appears in evidence, that the claimants under the *Browne, Tappan* and *Drowne* rights, as well as the Plymouth company, have all made conveyances of lots of land, situate in the towns mentioned in the memorial; that they have exercised acts of ownership over them, and have had regular plans and surveys thereof made; that each class of claimants has represented to the settlers, that unless they purchased under their respective claims they should be sued: and it now appears, from the testimony and the certificate of the clerk of the court, in and for the county of Lincoln, that suits under the Brown claim, in the name of Noble, and also under the Tappan claim, in the name of B. Pickman and als. are pending against several persons for the same tract of land.

It was suggested, that it had been ruled by the Supreme Judicial Court, that no settler had a right to set up the title of another in his defence, unless he claimed under such title; but this we apprehend to have been a mistake, so far as respects actions founded on the writ of right; for we believe, that whoever would entitle himself to recover under this form of action, must shew a title paramount to all others. And as there is no mode under the existing laws to compel the proprietors to settle between themselves, as it respects their several titles, the settlers are unable to ascertain the paramount title of the conflicting claimants.

It further appeared in evidence, corroborated also by the general appearance of the country, that the settlements, on and about Damariscott river, were at least a century old. The inhabitants seem to be quiet, enterprising, and industrious; attached to the institutions under which they live, and totally free from any disorganizing or disloyal spirit. They ask for reasonable protection, under the laws of their country, and not an abolition of them. As a mark of their attention to social order and the means of information, we beg leave to state, that meeting houses are erected in every town mentioned in the memorial; that clergymen are regularly settled in most of them, and have been for a long time past; and that in the town of Bristol alone there are twenty-one school houses, and that town raises annually for the support of free schools, the sum of two thousand dollars.

It further appeared in evidence, that none of the early inhabitants entered upon these lands, with an intention of disseizing or trespassing on any proprietor; but that, nearly to a man, they hold their estates under deeds of settlement, from some

one or more of the claimants, or from prior settlers. No improper motives, on their parts, appear to have actuated them, but the variety of interfering grants derived from different sources, added to the lax and vague principles upon which all new countries are settled, have been the real causes of the existing difficulties, and have placed the people of these towns in a state of real insecurity, and have excited in them just causes of alarm.

THE COMMISSIONERS therefore, after fully hearing the complaints of the memorialists are of opinion, that, as well from their loyalty, merits and services, as from the peculiar circumstances of their situation, they are justly entitled to the particular interposition, of the fostering aid of the Legislature, so far as that aid can be extended to them, consistent with the rights of other individuals. They are sensible, that among the rights of the respective claimants, is unquestionably that of having the justice and legality of their several claims separately decided by trial at law. But it will be readily seen, that the exercise of these rights must, as it already has done, operate very oppressively on these people; and indeed the claimants themselves, who, it is believed, never before had an opportunity of seeing and examining the extent and evidence of the claims of each other, seem to be sensible of this truth, and it is pleasing to remark, manifested a disposition to bring the existing difficulties to a final close. Under this impression, the commissioners did not hesitate to suggest their wishes to this effect, which resulted in the proposition to the Legislature, accompanying this Report, under the hands and seals of the different claimants. By this instrument the claimants propose, to release and surrender, all their title under their respective claims, to the Commonwealth, and to submit to a new board of Commissioners, whether they, or either of them, are now entitled to all, or any part of the lands, described within their respective claims, and what part; consenting that the rights of the settlers and those of the Commonwealth, shall be opposed to them in the hearing; and if they or either of them, shall be found entitled to any part of such lands, the same to be estimated as in a state of nature, without reference to any improvement, and to receive compensation for the same, in the unlocated lands, in the District of Maine, belonging to the Commonwealth; which will leave the Commonwealth the sole proprietors of any interest, which may be found to belong to all, or any, of the present claimants; and to this proposition, the agents for the

memorialists, readily gave their concurrence, under a conviction, that nothing will be required of them by the Commonwealth, but what reason and justice will demand.

It may be worthy the consideration of the Legislature, that the lands granted by them to the Lincoln Academy, are entirely covered by two of these conflicting claims, and that although by the terms of that grant, the Commonwealth are not made responsible for any other claims, yet it may be considered as best comporting with the honour and liberality of the government to embrace any opportunity that may offer, to remove any obstacles that may prevent the quiet enjoyment of their grants, especially when made for the promotion of public education. The Trustees of this Academy think the proposed arrangement will much enhance the value of the government's liberality.

The Commissioners, therefore, cannot but earnestly recommend to the Legislature, to meet this proposition of the claimants, to extinguish their conflicting claims, as a measure dictated by that wise policy, which, in the government of a free country, always seeks the preservation of its honour and dignity; and will at all times make the tranquillity and happiness of all its citizens the primary objects of its pursuit. They believe also, that it would be good policy, in a local as well as national view, to encourage, by all just means, the speedy settlement of the District of Maine, so important a frontier of the Union, and they are persuaded, that the present length of limitation in bar of the writ of right, operates powerfully to the discouragement of this object. The neighbouring British colonies of New-Brunswick and Nova-Scotia, as well as some of the large States in the Union, to encourage their increase of population, have barred the writ of right after twenty-one years—and the Commissioners recommend that period for its limitation in this Commonwealth; or, if it should be objected to as unnecessary in Massachusetts proper, where the titles to lands are more firmly settled, they see no objection to the government's legislating for the District of Maine, separately, in this respect, as numerous precedents, to that effect, are to be found in our statutes, under the late Province.

The Commissioners have been thus particular in detailing the titles of the claimants, and the merits and complaints of the Memorialists, that the Legislature may at one view discern the nature and causes of the existing difficulties, and be able to judge of the propriety of applying the remedies recom-

mended, or such others as their wisdom and discretion may dictate. All which they have the honour, respectfully, to submit for that purpose.

And are your Honours' most obedient and devoted servants;

PEREZ MORTON,	} <i>Commissioners.</i>
JONA. SMITH, JUN.	
THOMAS B. ADAMS,	

*Portland, May 20, 1811.*

The following is the agreement referred to in his Excellency's Message.

It is hereby mutually agreed between the subscribers, non resident claimants to lands lying within the towns of Bristol, Nobleborough, New Castle, Edgecomb, and Boothbay, or some of them, to submit the merits of our respective claims to three commissioners to be appointed by the Legislature of this Commonwealth, or his Excellency the Governor, under their authority, with the consent of us the subscribers, which Commissioners shall have full power and authority to determine both in law and equity, whether we or either of us under our respective claims are entitled to any part of the lands lying within the boundaries of our respective claims, and what part we may be so entitled to, in opposition to the claims and rights of the possessors and occupants of said lands, and in opposition to the rights and claims of the Commonwealth, and we further mutually agree to release and grant to the Commonwealth all our rights and claims to the lands we shall be found to be entitled to respectively by the determination of said Commissioners, on condition that the Commonwealth shall grant and convey to us respectively an equivalent in their unlocated lands in the District of Maine, the lands to which we may be so found to be entitled, to be estimated as in a state of nature, unconnected with any improvement made by the settlement of said towns. The amount of the equivalent to be determined by said Commissioners.

It is understood by the parties that if this business should be delayed beyond the next session of the General Court, that the proprietors are at liberty to proceed in bringing their actions so as to avoid the statute of limitation, and should there be an eventual failure in bringing this business to an amicable adjustment upon principles hereby contemplated or to be agreed upon by the parties, and if the said proprietors by such

delay should be likely to be injured by the operation of the statute of limitation, that provision should be made by law to prevent such operation.

In witness, we have hereunto mutually and respectively set our hands and seals for ourselves and the respective claims we represent, this tenth day of May, in the year of our Lord one thousand eight hundred and eleven.

Signed, sealed, and delivered  
to the Commissioners in  
presence of  
JOHN MERRILL, jun. }

THOMAS FOLLENSBEE, *for the Tappan*  
*right or claim, so called, by* (Seal)  
SILAS LEE, *his Attorney.*

JAMES FLAGG, JUN. *for the Drowne, or* (Seal)  
*Pemquid Proprietors, so called.*

JAMES NOBLE, *who claims the whole of*  
*the eight mile square under the* (Seal)  
*Brown title, and two fifths of the*  
*residue of the Brown right.*

Witness, JOHN DIX.

W. S. VAUGHAN, *Attorney for* } (Seal) *For the*  
WM. VAUGHAN. } *Brown claim, their*  
GEO. E. VAUGHAN, *as Attor-* } *proportions there-*  
*ney to SARA RINGE.* } *in, as it respects*  
 } *James Noble, and*

Witness, STEPHEN McLELLAN.

DANIEL W. LINCOLN, *At-* } *each other, to be*  
*torney to the heirs of SAM'L* } *ascertained by the*  
*WALDO, who claim one un-* } *Commissioners*  
*devised moiety of the eight* } *which may be so*  
*miles square.* } *appointed.*

ENOCH LINCOLN, witness to  
execution by D. W. LINCOLN.

June 20, 1811.

The Committee to whom was referred the message of his Excellency the Governor, together with the report of the Commissioners, and the documents accompanying the same, relative to certain disturbances in the county of Lincoln, and the memorials from sundry towns in said county, beg leave to report.

That said Commissioners in their report have stated that the persons claiming to be proprietors have made a proposition to the Government under the hands and seals of said claimants, or their agents, which proposition is contained in the instrument hereunto annexed, and the said Commissioners have recommended to the Legislature in their said report to "meet the proposition of the claimants and to extinguish their conflicting claims as a measure dictated by that wise policy, which, in the government of a free country, always seeks as the preservation of its honour and dignity, and will at all times make the tranquillity and happiness of all its citizens the primary object of its pursuit;" and your committee are of opinion that it is expedient to

accept of said proposition, and they accordingly report the following resolve for carrying the same into effect.

Which is respectfully submitted, by

WILLIAM KING, *per order.*

*Commonwealth of Massachusetts.*

Whereas certain persons claiming lands in the towns of Bristol, Edgecomb, New Castle, Nobleborough, Waldoborough, Jefferson, and Boothbay, have offered to submit their respective claims to three Commissioners, to be appointed by the Legislature of this Commonwealth, or his Excellency the Governor, under their authority, with the consent of the said claimants, which Commissioners shall have full power and authority to determine both in law and equity whether said claimants, or either of them, under their respective claims, are entitled to any part of the lands lying within the boundaries of their respective claims, and what part they may be so entitled to, in opposition to the claims and rights of the possessors and occupants of said lands, and in opposition to the rights and claims of the Commonwealth. And whereas said claimants have further stipulated and agreed to release and grant to the Commonwealth all their rights and claims to the lands they should be found entitled to respectively by the determination of said Commissioners, on condition that the Commonwealth shall grant and convey to said claimants respectively an equivalent in their unlocated lands in the District of Maine, for the lands to which they may be so found to be entitled, to be estimated as in a state of nature unconnected with any improvement made by the settlement of said towns, and the amount of such equivalent to be determined by said Commissioners.

*Be it therefore resolved,* That the Attorney General be, and he hereby is authorised on the part of this Commonwealth to submit with the persons claiming to be proprietors of all or any part of the aforesaid towns, their rights to three Commissioners to be appointed in the manner hereafter provided, the report of whom, or the major part of them, made to the Legislature as soon as may be, shall be binding on all the parties thereto, and the said submission shall be upon the principles and conditions in the preamble of this resolve before mentioned.

*Be it further resolved,* That his Excellency the Governor, by and with the advice and consent of Council, and with the assent of said claimants, be, and hereby is authorised to appoint three Commissioners for the purposes in said preamble mentioned.

*Be it further resolved*, That the said Commissioners shall notify the Attorney General, and the possessors or occupants of said lands, the persons claiming to be proprietors thereof, of their time and place of meeting, and they shall have power to appoint a Clerk, and to send for persons and papers, and to issue proper process for this purpose, and shall make a return of their doings to his Excellency the Governor as soon as may be, after their said business is performed.

*Be it further resolved*, That it shall be the duty of the Attorney General to attend the meetings of said Commissioners, in behalf of the claims of the Commonwealth.

## XXXV.

*Resolve authorising the inhabitants of Saco to convey one quarter of an acre of land to Saco Academy.*

June 21, 1811.

On the petition of Jonathan Tucker and Joseph Leland, agents for the Trustees of Saco Academy, praying that the town of Saco may be authorised to convey to them, for the use of said Academy, one quarter of an acre of land.

*Resolved*, for reasons set forth in said petition, That the inhabitants of said town of Saco be, and they are hereby authorised to convey to the Trustees of Saco Academy, for the use of said Academy, one quarter of an acre of land, situate in said Saco, and being part of a piece of land granted to said town by a resolve of the General Court, passed February the ninth, in the year of our Lord one thousand seven hundred and ninety-eight, for the purposes of a burial and training field, &c. any provisions in said resolve notwithstanding.

## XXXVI.

*Resolve directing the Treasurer to discharge Limerick, and charge Cornish with Representatives' pay.* June 21, 1811.

On the petition of John Woodman, in behalf of the town of Limerick in the county of York, setting forth, that by some mistake the said town of Limerick stands charged in the last tax act, with the sum of fifty-eight dollars for the pay of Representative for the two sessions of the General Court previous to January last past, although no Representative has ever attend-

ed from that town, but that the same sum on the pay rolls stands charged to the town of Cornish in the same county.

*Resolved*, for reasons set forth in said petition, That the Treasurer be directed to discharge the said town of Limerick from the said sum of fifty-eight dollars, and charge the same to the said town of Cornish, and issue his warrant accordingly.

### XXXVII.

*Resolve on the petition of Cyrus Hamlin and others, sureties for the late Sheriff of Oxford.* June 21, 1811.

*Resolved*, That the Treasurer of this Commonwealth be directed to stay execution for one year from the date of this resolve against Cyrus Hamlin, Isaac Lovell and Joseph Leavitt, as sureties for David Learned, late Sheriff of the county of Oxford, for the three hundred and twenty-four dollars, and interest.

### XXXVIII.

*Resolve authorising William Farris to convey certain real estate to Eleazer Johnson.* June 21, 1811.

On the petition of William Farris, of Newburyport, in the county of Essex, merchant, setting forth, that he with the late Reverend Dr. Samuel Parker, of Boston, in the county of Suffolk, deceased, was authorised by a resolve of the General Court, passed on the first day of March, A. D. 1803, to sell and convey certain real estate belonging to the children of John Tracey, of said Newburyport, Esquire, and for reasons set forth in said petition, praying that he may have liberty to sell and convey, for the benefit of Elizabeth Farris Tracy, and Catharine Deblois Tracy, the two remaining minor children of said John Tracy, to Eleazer Johnson, of said Newburyport, merchant, their two sixth parts of the estate in said Newburyport, which was conveyed by John Lowell, Esq. to Patrick Tracy, Esq. by deed dated October 21, A.D. 1778, in like manner as the said William Farris and Samuel Parker might have done in the life time of the said Samuel Parker.

*Resolved*, That the said William Farris be, and he hereby is authorized to sell, and by deed duly acknowledged and recorded to convey to the said Eleazer Johnson, the said two sixth parts of said real estate belonging to the said two minor children of the said John Tracey, at and after the same rate and



price for which the other four children of the said John Tracy have sold and coveyed to the said Eleazer Johnson, their four sixth parts of said estate, the said William Farris to conduct the said sale, and dispose of the proceeds thereof in the like manner, and on the like terms and conditions, in all respects, as he and the said Samuel Parker might and ought to have done, by virtue of the said former resolve, if the said Parker were now living.

## XXXIX.

*Resolve on the petition of Stephen Thayer, guardian to certain minors. June 21, 1811.*

*Resolved*, for the reasons set forth in said petition, That the said Stephen Thayer, in his capacity of Guardian to Hannah Jackson Thayer, and Rebecca Miller Thayer, children of the late Atherton Thayer, Esq. and Joseph Henry Jackson Thayer, and Sarah Atherton Thayer, children of said Stephen, be, and he hereby is authorised and empowered to make, execute, acknowledge, and deliver in due form of law, any deed or deeds of release, or quitclaim of all the right and title, interest, and estate, which said minors have in, any and all lands and tenements whereof said Henry Jackson, deceased, died seized and possessed or entitled to.

## XL.

*Resolve allowing the proprietors of Saco free bridges, to complete a bridge. June 21, 1811.*

On the petition of Daniel Cleaves, Jeremiah Hill and Nathaniel Goodwin, agents of the proprietors of the Saco free bridges, praying for a longer time to enable them to build a bridge over the eastern branch of said river, from Indian Island to the shore in Saco, they having already built a good and substantial bridge over the western branch thereof.

*Resolved*, for reasons set forth in said petition, That there be and hereby is allowed the said proprietors a further term of one year, from and after the first day of January next, to complete said bridge, any thing in the resolve passed the second day of March, in the year of our Lord one thousand eight hundred and ten, to the contrary notwithstanding.

## XLI.

*Resolve making an addition to the pay of the Messenger of the General Court. June 21, 1811.*

*Resolved*, That there be allowed and paid out of the public treasury to Jacob Kuhn, three hundred and fifty dollars, for the present year, commencing the thirtieth day of May last to be in addition to the sum of four hundred dollars allowed him by a resolve of March 26, 1793, establishing the pay of the Messenger of the General Court.

## XLII.

*Report on the petition of James Hearsey and others, Committee of Proprietors of land in Cumberland. June 21, 1811.*

The Committee to whom was referred the petition of James Hearsey, Aaron Dwinell, and Samuel Pool, Committee for proprietors of land in the county of Cumberland, ask leave to report :

That the said proprietors claim under John Bridgham and others, who purchased a tract of land, in said county of Cumberland, of the Commonwealth on the day of A. D.                      that the same land is within limits claimed by the Commonwealth, and also by the Pejepscot proprietors. That in pursuance of a resolve of the Legislature, an inquest of office has been commenced against said Pejepscot proprietors, to recover seizen and possession of that part of the tract, which belongs to the Commonwealth. That said inquest was instituted September and October terms, 1808, in the counties of Lincoln, Kennebeck, and Cumberland, and an issue of law for the opinion of the whole court was made in one of the said actions, for the purpose of trying the whole, as they all depended on the same principles. That said actions have been, for reasons wholly unknown to your committee, continued till the present time without any decision, although moved on the part of the Attorney General, for a decision in pursuance of an order of the Legislature. That the answer which was given by the court to the Attorney General, was, that they should decide the issue of law at the last March term, in Boston. Your committee further report, that certain actions were brought by the Pejepscot proprietors against tenants in possession, who held under the grant of the Government to Bridgham and

others—That Judge Sedgwick, at a term at Portland in 1809, on motion of Defendants directed the causes to stand continued in order that the title might be determined between the Government and Pejepscot proprietors; but Judge Thatcher, on the contrary, at the term of the S. J. Court holden at Portland, in and for the county of Cumberland, though moved for a continuance of the actions on the same grounds, refused to grant the motion, and of course judgment was rendered for the proprietors. Your committee must observe, that this decision involves the Commonwealth, and the settlers, in needless expense and embarrassment, on the one hand the Court procrastinate the decision of the cause between the Commonwealth and the Pejepscot proprietors, on the other a member of the same court decides at random the title and refuses a continuance, in order that the rights of the Commonwealth may be determined.

This course of proceeding must be attended with no inconsiderable injury to the State.

The Legislature are bound to indemnify their grantees, not only for the value of their lands, but for their costs and trouble in defending the suit, and what reason can be assigned for driving to trial a cause between a proprietor and grantees under the Commonwealth, and at the same time for delaying the actions pending between the Commonwealth and the same proprietors.

The Committee are fully persuaded, that such a course of conduct requires legislative interposition, they therefore report the following resolve.

Which is respectfully submitted by

WILLIAM KING, *per order.*

*Resolved*, That the Attorney General be, and he is hereby directed to lay before the Legislature, at their next session, a statement of the trials which have heretofore been had between the Commonwealth and the Pejepscot proprietors, as well before the Judicial Courts, as before referees, and likewise what measures have been adopted by the occupants in aid of the views of the government, in order to perfect their title.

*And be it further resolved*, That it shall be the duty of the said Attorney General to ascertain and state to the Legislature the reasons, if any exist, why the actions commenced against the Pejepscot proprietors by the Commonwealth have not come on trial, with such other information as may be interesting to the Commonwealth and the occupants.

## XLIII.

*The Secretary to deliver laws for the use of the officers of the State prison. June 21, 1811.*

*Resolved*, That the Secretary of this Commonwealth be directed to deliver to Major Daniel Jackson, one set of the Statute laws of this Commonwealth, which now are, or may hereafter be enacted; for the use of the officers of the State Prison, to be deposited with the warden of the said Prison.

## XLIV.

*Resolve authorising the Treasurer to borrow \$60,000.*  
June 22, 1811.

Whereas the Treasurer of this Commonwealth has represented that the state of the Treasury may make it necessary for him to borrow sixty thousand dollars.

*Be it therefore resolved*, That the Treasurer of this Commonwealth be, and he is hereby authorised and directed to borrow of the Boston and Union banks, any sum, not exceeding sixty thousand dollars, that may at time within the present year be necessary for the payment of the ordinary demands made on the treasury, and he repay any sum he may so borrow as soon as money sufficient for that purpose, and not otherwise appropriated, shall be received into the treasury.

## XLV

*Resolve appointing Commissioners to settle with Thomas Harris Esq. late Treasurer. June 22, 1811.*

*Resolved*, That the Hon. John Wells, Hon. Nathaniel Morton jun. Benjamin Weld, Esq. Nathaniel Bowditch, Esq. and John Appleton, Esq. be Commissioners to examine, liquidate, adjust and settle the accounts of Thomas Harris, Esq. late Treasurer and Receiver General of this Commonwealth, from the time of his entering on the duties of his office, to the thirtieth day of June instant, inclusively, and the said Commissioners are directed and empowered to deface all notes and duebills, orders or other obligations issued under the authority of this Commonwealth by any officer thereof, which have been redeemed by the Treasurer, or his predecessors, and to make a regular transfer of the books, papers, files, money, se cu-

rity, obligations, and all other property now in the Treasury, to the present Treasurer, and report their proceedings at the next session of the General Court.

## XLVI.

*Resolve granting John Perry additional pay.* June 22, 1811.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth unto John Perry, assistant to the Messenger of the General Court, one dollar per day during the present session of the Legislature, over and above the usual allowance to him.

## XLVII.

*Resolve granting Warren Chase, additional pay.*  
June 22, 1811.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth, unto Warren Chase, assistant to the Messenger of the General Court, one dollar per day, during the present session of the Legislature, over and above the usual allowance to him.

## XLVIII.

*Resolve establishing the pay of the Clerks in the Secretary's and Treasurer's office.* June 22, 1811.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to the first Clerk in the Secretary's office, four dollars and forty-seven cents per day, and to each of the other Clerks in said office, three dollars and forty-nine cents for each day they are respectively employed therein, for one year commencing the first day of the present month of June.

*And it is further resolved,* That there be allowed and paid out of the Treasury aforesaid, to the first Clerk in the Treasurer's office, four dollars and forty-seven cents, and to the other Clerks in said office, three dollars and eighty-four cents, for each day they are respectively employed therein for one year, commencing the first day of the present month of June.

## XLIX.

*Resolve on the petition of Abraham Gould, authorising Henry Blake to execute a deed. June 22, 1811.*

Whereas Jonathan Bird, of South Boston, in the town of Boston and County of Suffolk, Esquire, now deceased, was while living duly appointed guardian of Pinson Blake, a minor son of James Blake, deceased, and as guardian was duly authorised to sell said minor's real estate in South Boston aforesaid, by licence of the Supreme Judicial Court at Boston, March term 1806, and did in fact advertise and sell a part of said minor's real estate aforesaid at public auction, on the twelfth day of May 1806, which was purchased by Abraham Gould, the petitioner, who was the highest bidder therefor, which was struck off to him at the sum of four hundred dollars which were paid to the said Bird in his life time; and whereas a deed thereof was drawn from said Bird, guardian as aforesaid, to said Gould, and executed by said Bird, but which deed was either lost or never delivered to said Gould, and no record thereof nor any evidence of the existence thereof can be found, and said Bird hath since died, and Mr. Henry Blake hath since said Bird's death been appointed guardian to said Pinson Blake, and hath certified his willingness that this resolve should be passed.

*Therefore resolved*, That Henry Blake, guardian as aforesaid, be authorised to make and execute a good and valid deed of said real estate to said Gould, the same having been paid for and is thus described. A piece of land on or near Nook hill, lying in South Boston, bounded southwesterly on fifth street, there measuring sixty-two feet; northeasterly partly on a way, and partly on land lately owned by Moses Everett, and since by William Tudor, there measuring sixty-two feet; northwesterly on land lately of Sarah Baker, now of Coverly, there measuring one hundred and twenty-nine feet, and southeasterly on land of Benjamin Blake, a minor, one hundred and twenty-nine feet, the same being parcel of the lot No. 10 with the privileges and appurtenances to the same belonging.

## L.

*Resolve in favour of Stephen Hall Tower, granting him one dollar per day as Page. June 24, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to the messenger of the General Court,

to be by him paid over to Stephen Hall Tower, one dollar per day for each day he the said Tower has attended as Page the present session of the General Court.

*His Excellency the Governor's Message to both Houses.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

The Secretary will present to the Legislature a report of the Superintendent of the State Prison and the proceedings of the Executive thereon respecting the expenditure of the last, and the expediency of another grant for supporting that important institution.

*Council Chamber, 24 June, 1811.*

F. GERRY.

LI.

*Resolve allowing David Everett Esq. \$133. June 24, 1811.*

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to David Everett Esq. Reporter to the House of Representatives in cases of contested elections, for his services in that office, up to the 21st June 1811, the sum of one hundred and thirty-three dollars, in full for his attendance on the House of Representatives, and for said services (except for that part of his duty which consisted in collecting from the Journals of the House, and the papers on file, such decisions as have been heretofore made in cases of contested elections) and his Excellency the Governor is hereby requested to draw his warrant on the Treasurer for the sum aforesaid in favour of said Everett.

LII.

*Resolve making an addition to the Committee to allot lands to settlers in Eastport. June 24, 1811.*

On the petition of Lewis F. De Lesdernier.

*Resolved,* That William Allan, Samuel Beal, Oliver Shead, and Jonathan D. Weston, be, and they are hereby added to the Committee for allotting lands to settlers in the town of Eastport, in the places of several of the members of the said Committee who are deceased, appointed by a Resolve of the 18th June, 1791.

And a further time of twelve months from the date of this Resolve be and is hereby allowed to the settlers in the said town of Eastport, to make their payments to the Committee for the sale of Eastern lands, and to receive their deeds thereof.

## LIII.

*Resolve on the petition of Josiah Willard, directing the Treasurer to deliver up a bond upon his paying \$200. June 24, 1811.*

Upon the petition of Josiah Willard, praying that a certain bond given by him to the Commonwealth, now in the Treasury office, may be cancelled, and delivered to him.

*Resolved*, for reasons in the same petition set forth, That the Treasurer of this Commonwealth be, and he hereby is directed upon the payment of two hundred dollars by the said Josiah Willard or his legal representatives, any time before the first day of October next, to deliver to him or them the aforesaid bond to be cancelled.

## LIV.

*Resolve for paying the Commissioners to investigate the causes of the difficulties in Lincoln County. June 24, 1811.*

Whereas it appears by vouchers produced to the Committee, that the expenses incurred by the Commissioners appointed by the resolve of the 17th of February last, amounts to the sum of three hundred sixteen dollars and eighty-nine cents.

*Resolved*, That his Excellency the Governor be requested to draw his warrant on the Treasurer for the same.

*And be it further resolved*, That there be allowed and paid out of the Treasury to the Hon. Perez Morton, for his attendance on said commission, the sum of one hundred and forty-four dollars. - - - - - \$144

To Jonathan Smith, jun. Esq. the sum of one hundred and eighty dollars. - - - - - 180

To Thomas B. Adams, Esq. the sum of one hundred and sixty-two dollars. - - - - - 162

To Eleazer W. Ripley, Esq. for his services as Clerk, the sum of one hundred and twenty-six dollars. - - - - - 126

And his Excellency the Governor is requested to draw his warrant on the Treasurer accordingly.



## LV.

*Resolve granting \$800, to the messenger of the General Court, to purchase fuel. June 24, 1811.*

*Resolved,* That there be paid out of the Treasury of this Commonwealth to Jacob Kuhn, messenger of the General Court, the sum of eight hundred dollars, to enable him to purchase fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council chamber, the Secretary's and Treasurer's offices, he to be accountable for the expenditure of the same.

## LVI.

*Resolve on the petition of Theodore Hinsdale, Deputy Sheriff, granting him \$64,90. June 24, 1811.*

On the petition of Theodore Hinsdale, a Deputy Sheriff for the County of Berkshire, praying for compensation for attaching and securing property, serving and returning fifteen writs in favour of the Commonwealth, against Thompson J. Skinner Esq. late Treasurer of said Commonwealth, and his sureties, respectively.

*Resolved,* That there be allowed and paid out of the Treasury of this Commonwealth to the said Theodore Hinsdale, sixty-four dollars and ninety cents, in full for the services aforesaid, and his Excellency the Governor with the advice of Council is hereby authorised to draw his warrant on the Treasurer for said sum.

## LVII.

*Resolve appointing a Committee to repair the State-House, and appropriating \$1000. June 25, 1811.*

The Committee to whom was referred the subject of repairing the State-House, report, that the colonade, the east and west porticoes the sills of some of the entrance doors, and the slating, &c. require some repairs, and the Clerk's desk in the house requires to be altered for his accommodation, and that elm trees be substituted for the poplar trees now standing in the State-house yard.

The Committee would therefore recommend that the following order and resolve be passed. viz.

THOMAS W. SUMNER, *per order*.

*Resolved*, That Mr. Thomas W. Sumner, Mr. Millar and Mr. Brewer, be a committee to repair the colonade, the east and west porticoes, the sills of the doors, and the slating of the roof, together with such other repairs as they may deem necessary and expedient for the preservation of the house, and convenience of the members, and that they also cause the necessary alterations to be made in the clerk's desk in this house, so that he may be better accommodated than he is at present; also, to cause elm-trees to be planted in the State-House yard.

*And be it further resolved*, That there be allowed, and paid out of the public Treasury of this Commonwealth, one thousand dollars to Thomas W. Sumner, to defray the expenses of the repairs which have become necessary in and about the State house, he to be accountable for the expenditure of the same, and that his Excellency the Governor be, and he is hereby requested to draw his warrant on the Treasurer accordingly.

## LVIII.

*Resolve granting a tax to Plymouth, Dukes' County, and Kennebeck.* June 25, 1811.

Whereas the Treasurers of the following counties have laid their accounts before the Legislature for examination, which accounts have been examined and allowed. And whereas the clerks of Courts of Common Pleas, for the said counties, have exhibited estimates made by the said courts, of the necessary charges which may arise within the said several counties for the year ensuing, and of the sums necessary to discharge the debts of the said counties.

*Resolved*, That the sums annexed to the several counties contained in the following schedule be, and the same are hereby granted as a tax for each county respectively, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid according to law.

Plymouth, two thousand and one hundred dollars.	\$2100
Dukes' county, three hundred dollars.	300
Kennebeck, six thousand five hundred dollars.	6500

## LIX.

*Resolve for paying Eldad Parsons and Elijah Bridgman jun. for bringing to Justice one William Rich. June 26, 1811.*

Whereas it has been represented to the General Court by Eldad Parsons, and Joseph Bridgman jun. of Belcherton, in the county of Hampshire, that in the year one thousand eight hundred and seven they spent much time and money, in pursuing, apprehending, and bringing to conviction one William Rich for passing counterfeit bank bills, and that said Rich upon his conviction was sentenced to pay a fine of three hundred dollars, which has been since paid by said Rich for the use of this Commonwealth, and that they have received no compensation for their services aforesaid.

*Therefore resolved,* That there be paid out of the Treasury to Eldad Parsons, the sum of forty-four dollars, and to Elijah Bridgman jun. the sum of fifteen dollars in full for their services aforesaid, and his Excellency the Governor with the advice of Council is requested to issue his warrant accordingly.

## LX.

*Resolve appropriating \$10,000 for the State Prison.*  
June 26, 1811.

*Resolved,* That his Excellency the Governor, by and with the advice of Council, be, and he is hereby authorised to draw warrants upon the Treasurer of this Commonwealth in favour of the Superintendant or Warden of the State Prison, for such sums, at such periods as may be deemed expedient by the Governor and Council, not exceeding ten thousand dollars, to enable said Superintendant to perform his contracts and incidental charges, to defray the expences of said prison the present year, he to be accountable for the same.

## LXI.

*Resolve for loaning Edward Little, and William Atkinson, \$1100. June 26, 1811.*

On the petition of Edward Little, and William Atkinson who have contracted with the Commonwealth for printing the reports of cases adjudged in the Supreme Judicial Court of this

Commonwealth, and have lost their printing office and types in the late fire at Newburyport.

*Resolved*, That there be loaned to the said Edward Little, and William Atkinson, the sum of eleven hundred dollars, for the term of one year, on their note of hand, with sufficient surety to the satisfaction of the Treasurer, for the said sum, payable in one year to the Commonwealth, with interest, and his Excellency the Governor by and with the advice of Council is requested to draw his warrant on the Treasurer for the said sum, on the conditions aforesaid.

## LXII.

*Resolve appropriating \$120, in addition to a previous appropriation the present session to pay assistant Clerks employed in the Secretary's office.* June 26, 1811.

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, unto Benjamin Homans Esquire, Secretary of State, the sum of one hundred and twenty dollars, in addition to a grant made by resolve of the nineteenth instant, to enable him to pay such assistant clerks as he may think it necessary to employ to expedite the public business, he to account therefor.

## LXIII.

*Resolve authorising Rhoda Hamilton to convey estate to Rice, Arms, and Dunham.* June 26, 1811

On the petition of Rhoda Hamilton, administratrix of the estate of William Hamilton, late of Conway in the county of Hampshire, deceased, praying for authority to convey to Joseph Rice, John Arms, and Benajah Dunham, three fourth parts of a certain tract of land in said Conway, with an oil mill standing thereon, by said William purchased of one Moses Hayden, and also for liberty to sell the other fourth part of said land and mill, first giving bond to the Judge of Probate for securing the effects of the sale of said last mentioned fourth part, for the benefit of the heirs of said William Hamilton.

*Resolved*, That the prayer thereof be granted, and that said administratrix be, and she is hereby authorised to convey to said Joseph Rice, John Arms, and Benajah Dunham, and their heirs, by deed, all the title and estate of which the said

William Hamilton died seized, in and to the said three-fourth parts of the said land, and oil mill standing thereon, as described in the deed to the said William Hamilton as mentioned in the petition of the said Rhoda ; and also that the said Rhoda be authorised to sell, and convey by deed, the other fourth part of said land and oil mill, she first giving bonds to the Judge of Probate, for the county of Hampshire, for securing the effects of the sale of the said fourth part, for the benefit of the said heirs.

## LXIV.

*Resolve for paying the expense of Music, when the Commander in Chief shall order out an escort. June 26, 1811.*

*Resolved,* That whenever the Commander in Chief of the Militia of this Commonwealth shall direct any militia company, or other corps, to perform escort duties, that the commanding officer of such company or corps shall present his account for necessary music to the Quarter Master General, by whom the same shall be discharged out of the Commonwealth's monies in his hands.

## LXV.

*Resolve for paying the Committee on accounts. June 26, 1811.*

*Resolved,* That there be allowed and paid out of the public Treasury to the Committee appointed to examine and pass on accounts presented against the Commonwealth, for their attendance on that service, during the present session, the sums annexed to their names, in addition to their pay as members of the Legislature :

Hon. Nathan Willis, twenty-two days, twenty-two dollars.

Hon. Silas Holman, twenty-two days, twenty-two dollars.

Nathan Fisher, twenty-one days, twenty-one dollars.

Jonas Sebley, twenty-two days, twenty two dollars.

James Robinson, twenty-two days, twenty-two dollars.

Which sums shall be in full for their services aforesaid, respectively.

## LXVI.

*Resolve prescribing to whom the laws of Congress shall be delivered. June 27, 1811.*

*Resolved*, That the copies of the laws of the United States, that are now in the Secretary's office, or which may hereafter be received, shall be distributed in the following manner by the Secretary, any thing in the resolves passed the twenty-sixth of January, and the tenth day of June, in the year of our Lord one thousand eight hundred and eight, to the contrary notwithstanding, viz. To the Clerk of each town or district, and to the assessors of each plantation within this Commonwealth, which pays a state tax, one copy for the use of such town, district or plantation; to each clerk of the several Judicial Courts, and Courts of General Sessions, within this Commonwealth, one copy for the use of the respective courts aforesaid; to each Judge of the Supreme Judicial Court, and to each Judge of the Circuit Court of Common Pleas, one copy; to the Judges of Probate in the several counties, one copy each; to the Attorney General and Solicitor General, one copy each; to the Sheriff of each county and to the Warden of the State Prison, each one copy, to be kept at the respective prisons; to the Quarter Master and Adjutant General, one copy each; to each Major General one copy; to the University of Cambridge, one copy; to Williamstown and Bowdoin Colleges, the American Academy of Arts and Sciences, and the Historical Society, one copy each. To his Excellency the Governor, and his Honour the Lieutenant-Governor, to the President of the Senate, and the Speaker of the House of Representatives, one copy each.

*Be it further resolved*, That upon the death, resignation or removal from office of either of the clerks of towns or districts, or Judicial Courts, Sheriffs or Warden, Judges of Probate, or assessors of Plantation, Attorney General, Solicitor General, Major Generals, Adjutant General, and Quarter Master General, he, or his executor or administrators respectively, shall be held and obliged to deliver over the said laws to his successor in office for the use of their several offices.

## LXVII.

*Resolve establishing the Salaries of the Lieutenant-Governor, Secretary and Treasurer, for one year. June 27, 1811.*

*Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth to his Honour the Lieutenant-

Governor thereof, the sum of five hundred and thirty-three dollars and thirty-three cents, for his salary for one year from the thirty first day of May last.

Also Benjamin Homans Esq. Secretary of the Commonwealth, the sum of two thousand dollars, for his salary for one year from the sixth day of June current, he to be accountable at the end of the year, for all the fees of the office he shall have received. And to Jonathan Loring Austin Esq. Treasurer and Receiver General of this Commonwealth, the sum of two thousand dollars, for his salary for one year from the sixth day of June current, and that all the aforesaid salaries be paid in quarterly payments as they shall become due.

## LXVIII.

*Resolve for paying the Clerks of the General Court.*  
June 27, 1811.

*Resolved,* That there be paid out of the public Treasury, to Marcus Morton, Clerk of the Senate, and to Charles P. Sumner, Clerk of the House of Representatives, two hundred dollars each, and also to Robert C. Vose, assistant Clerk of the Senate, one hundred and twenty-five dollars, and to Thomas Wallcutt, assistant Clerk of the House of Representatives, one hundred and twenty-five dollars, in full for their services in said offices, the present session of the General Court. And to Samuel Smith, for services rendered the Clerk of the Senate, eighty-five dollars in full for the same.

## LXIX.

*Resolve on the petition of William Eaton and others, in favour John Jenkins.* June 27, 1811.

On the petition of William Eaton, praying that some compensation may be made to John Jenkins, for his invention of certain improvements in the art of writing.

*Resolved,* That the said petition be referred to the American Academy of Arts and Sciences, who hereby are requested by their Committees, or in any mode they may see fit, to examine the subject of said petition, and the merits of said invention, and to report to the General Court at the next session thereof, how far the same is deserving the public patronage, and in what manner the same invention may be properly rewarded.

## ROLL No. 65....June, 1811.

THE Committee on accounts having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively ; which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned ; which is respectfully submitted.

NATHAN WILLIS, *Per Order.*

## PAUPER ACCOUNTS.

Abington, for boarding and clothing Thomas Seymore to 4th June, 1811,	824 80
Augusta, for boarding, clothing, and doctoring Lydia Gordon, to 6th March, 1811,	94 62
Adams, for boarding, clothing, and doctoring sundry paupers to 22d May, 1811,	110 66
Brookfield, for supporting George Baslington to 1st May, 1811.	19 7
Bellingham, for boarding and clothing Robert Atkins to 25th March, 1811,	20 41
Buckland, for boarding and clothing William Negus to the time of his death, including funeral charges,	111 62
Becket, for boarding, clothing, and doctoring Sally Leonard and Hiram Leonard to 21st May, 1811,	30
Bristol, for boarding, clothing, and doctoring William Howe to 1st June 1811,	41 33
Bridgewater, for boarding and clothing William Blakely and Frederick Bignor to 6th June, 1811,	45 30
Barre, for boarding, nursing, and supplies to John C. Danderick to 15th April, 1811,	80 14
Billerica, for boarding and doctoring Michael Taylor to the time of his death, including funeral charges,	46 50
Boxford, for boarding and clothing Mehitable Hall to 5th June, 1811,	92 50
Boston, for boarding and clothing sundry paupers to 1st June, 1811, and doctoring in full to the 1st December, 1810,	8549 74
Bradford Samuel, Sheriff of the county of Suffolk, for supporting poor prisoners in gaol, to May 11, 1811,	423 24
Charlton, for boarding, clothing, and doctoring Edward Madden to 4th May, 1811,	22



Colerain, for boarding and nursing Sally Lamonier to 25th May, 1811,	30 95
Cohasset, for boarding, nursing, and doctoring Alexander M'Leod, to the time of his death, including funeral charges,	20
Carlisle, for boarding and clothing Robert Barber to 25th May, 1811,	23 58
Columbia, for doctoring Robert Martin in his last sickness,	65
Cheshire, for boarding, clothing, and doctoring Ephraim Richardson, Polly Newcomb, and Polly Cooper, and supplies for William Davis and family, to 23d May, 1811,	207 52
Chelsea, for boarding and doctoring Ralph O'Donnel, to the time of his death, including funeral charges,	69
Cape Elizabeth, for boarding and clothing James Ramsbottom to 20th May, 1811, and supporting Abraham Burke to the time of his death, including funeral charges,	64 29
Dartmouth, for boarding and clothing John Quannawill to 20th May, 1811, and clothing Emanuel Gust to the same date,	88
Dighton, for boarding and doctoring Charles Williamson to the time of his death, including funeral charges,	25 48
Doggett Samuel, keeper of the gaol in Dedham, county of Norfolk, for boarding Isaac T. Cary, a poor prisoner confined for debt,	7 50
Durham, for boarding and clothing three children of Jonathan Dummerit to 20th May, 1811,	141 90
Dover district, for boarding and doctoring Daniel Waters to the time of his death, including funeral charges,	39 50
Dracut, for boarding and doctoring widow Jacquith to the time of her death, including funeral charges,	21 66
Danvers, for boarding, clothing, and doctoring sundry paupers to 11th June, 1811,	272 12
East Hampton, for boarding and doctoring John Hall to 29th May, 1811,	17
Edgarton, for boarding, clothing, and doctoring John Cole, and for boarding and clothing Anthony Chadwick to 22d May, 1811,	59 38
Franklin, for supplies for Thomas Barre and wife to 5th June, 1811,	28 18

Falmouth, in the county of Cumberland, for boarding, clothing, and doctoring Felicas Sang to 25th May, 1811,	827 55
Florida, for boarding, clothing, and doctoring two children of Amos Eldridge to 22d May, 1811.	42 12
Granville, for boarding, clothing, and doctoring Archibald Stewart, and George Taylor to 1st June, 1811, and Amos Fay to the time of his death, including funeral charges,	67 26
Greenwich, for boarding, clothing, and doctoring John Howard, William Rice, Elizabeth Harrington, John Bailey, Jonathan Bailey's family, James Bailey, and Elizabeth Harrington's child, to 27th May, 1811.	160 79
Granby, for boarding and clothing Ebenezer Darwin to 27th May, 1811,	34 75
Gill, for boarding and clothing Sarah Hamilton, and Samuel Lyons and wife, to 24th May, 1811,	48 85
Gloucester, for boarding, clothing, and doctoring sundry paupers to the 10th May, 1811.	712 40
Gorham, for boarding Robert Gilfilling to 1st June, 1811,	25 50
Great Barrington, for boarding and clothing Isaac Catharine, Mary Hoose, John Whitty, Clarissa Lindsey, Amy Rathburne, and Lucy Porter, to 25th May, 1811,	184 25
Hancock, for boarding and clothing Rebecca Osborn to 20th May, 1811.	16 65
Hamilton, for boarding and clothing Molly M'Crief to 5th April, 1811,	62 2
Hodgkins Joseph, keeper of the house of correction in Ipswich, county of Essex, for boarding and clothing Mary Adelaide, a negro, John Squires, Huldah Hicks, James Cahoon, Josiah Bennington, to 6th June, 1811, and allowance made by the Court of Sessions to 21st March, 1811,	396 80
Hutson John, keeper of the gaol in Salem, county of Essex, for boarding sundry prisoners confined in gaol to 17th May, 1811,	286 48
Linconville, for boarding and doctoring Timothy Cox, and Alexander White, to 21st May, 1811,	56 57
Lenox, for boarding, clothing, and medicines for Abraham Palmer, and Neil M'Arthur to 24th May, 1811,	48 9

Litchfield, for supplies for the wife and children of John Taylor to 5th June, 1811,	\$40
Lee, for supplies for Jonathan and Sarah Blackman, to 23d May, 1811,	30 76
Lanesborough, for boarding, clothing and doctoring Jerusha Welsh, and William Tracy, to 1st June, 1811,	101 56
Leyden, for boarding, clothing and doctoring Jedediah Fuller and wife, Elizabeth Waggoner and Ruth Abel, to 24th May, 1811,	67 19
Middleborough, for boarding, clothing and doctoring John Fitzgerald, to 10th January, 1811, and William Pike, to the time of his death, including funeral charges,	159 70
Montague, for boarding, clothing and doctoring Joshua Searle, to 18th May, 1811,	108 69
Machias, for boarding William Whittemore, to 13th February, 1811, when he left the Commonwealth,	10 50
Minot, for boarding and doctoring Elizabeth Farrier to 16th March, 1811,	14
Marlborough, for boarding and clothing Joseph Waters to 28th May, 1811,	80 68
Milton, for boarding and clothing John Gray, Rebecca Welsh and child, to 8th June, 1811,	42 40
Marblehead, for boarding, clothing and doctoring sundry paupers to the 5th of June, 1811,	147 90
Medway, for supporting Eliab Patch to the time he left the Commonwealth,	21
Northfield, for supporting Richard Kinsbury to 25th May, 1811,	34 22
Norwich, for supporting Daniel Williams to 24th May, 1811,	67 20
Newbury, for boarding, clothing and doctoring sundry paupers to 1st June, 1811,	628 8
Northport, for boarding, clothing and doctoring Thomas Eustice to 1st April, 1811,	300
Newburyport, for boarding, clothing and doctoring sundry paupers to 1st June, 1811,	1265 75
Northampton, for boarding sundry prisoners confined in gaol, to 27th May, 1811,	28 43
Prospect, for boarding Anna Haynes to 1st Jan. 1811,	65 25
Pittsfield, for boarding and clothing Peter Huron, Jonathan Spear, Elisha Austin, and Polly Thurston, to 2d June, 1811,	56 12

Plymouth, for boarding Thomas Hazard, and John Anderson, to 26th May 1811, boarding and doctoring William Sands to the time of his death, including funeral charges,	\$91 28
Portland, for boarding, clothing and doctoring sundry paupers, to 1st June, 1811,	1392 34
Penobscot, for boarding and clothing Thomas Slack to 20th May, 1811,	29
Randolph, for boarding, clothing and doctoring John Cole to 5th June, 1811,	33 63
Rowley, for boarding, clothing and doctoring Benning Dow to 27th May, 1811,	23 24
Rochester, for boarding and doctoring George White to 21st May, 1811,	86
Sandwich, for boarding and clothing Richard Crouch to 2d June, 1811,	26
Swansey, for boarding Thomas Kennedy to 17th May, 1811,	21 89
Sandisfield, for boarding and clothing William Sanford, Elizabeth Dando, and supplies to Richard Dixon and family, to 13th May, 1811,	41 7
Springfield, for boarding, clothing, doctoring sundry paupers to 3d May, 1811,	82 59
Saco, for boarding and doctoring John Dunham to the 5th June, 1811,	45 75
Shelburne, for boarding and doctoring Mary Bates to the 14th January, 1811,	117 58
St. George, for boarding and clothing Robert Hawes and Eleanor Matthews to the 2d June, 1811,	37 40
Salem, for boarding clothing and doctoring sundry paupers to the 9th June, 1811,	1023 75
Sutton, for boarding and doctoring Isabella Santee and her children to the 4th June, 1811,	65 47
Sharon, for boarding and clothing Stephen Flood to the 17th June, 1811.	25
Uxbridge, for boarding and clothing David Mitchel and Benjamin Contriff to the 24th May, 1811,	157 67
West Hampton, for boarding and clothing Lemuel Culver and family to the 20th May, 1811,	34 98
West Springfield, for boarding, clothing, and doctoring James Aldrich to the 25th May, 1811, and William Bell to the time of his death, including funeral charges,	24 13
Westfield, for supplies to John Newton and wife to 1st June, 1811,	21 98

Williamstown, for boarding, clothing, and doctoring Robert Morrell, Charles M'Carty, Rachel Galusha, and Stephen Blue, until the time of his death, May 21st 1811, including funeral charges,	\$107 52
Worcester, for boarding clothing, and doctoring sundry paupers to the 1st June, 1811,	184 27
Woburn, for boarding, clothing and doctoring William and John Lynham's children to 10th June 1811,	14 95
Windsor, for boarding and doctoring Henry Smith and wife to the 28th May, 1811,	43
York, for boarding of sundry paupers to the 8th June, 1811,	220 83
Total Paupers,	\$20,283 82

*MILITARY ACCOUNTS.**Courts Martial and Courts of Inquiry.*

Hoyt Epaphras, for the expense of a Court Martial, held at Worthington, 12th February, 1811, whereof Richard E. Newcomb was President,	143 2
Donnison William, A. G. for the expense of a Court of Inquiry, held at Pittsfield, 25th February, 1811, whereof B. Gen. Isaac S. Gardner was President,	226 69
Donnison William, A. G. for the expense of a Court of Inquiry held at Portland, 8th May, 1811, whereof B. Gen. John Peabody, was President,	212 42
Clapp Jeremiah, for the expense of a Court Martial held at Charlestown, in October, and by adjournment in April, 1811, whereof Lt. Col. Jonathan Bancroft was President.	432 78

*Brigade Majors, Aids-de-Camp and Quarter Masters.*

Ayers James, to 1st June, 1811,	79 76
Adams John, to 1st June, 1811,	15 20
Bates Elikanah, to 4th February, 1811,	39 45
Bastow Sumner, to 24th May, 1811,	29 43
How Estes, to 17th May, 1811,	16 90
Kettell Jonathan, to 1st November, 1810,	39 17
Mattoon D. Noah, to 3d January, 1811,	39 95
Russ John, to 3d June, 1811,	34 20
Sawtell Richard, to 26th April, 1811,	119 73

Vernum Jacob, to 3d May, 1811,	\$31 50
Whiting Timothy, to 1st June, 1811,	29 22

*Expense for Horses, to haul Artillery.*

Blasland S. William, to 1st October, 1810,	7 50
Churchill Jesse, to 12th October, 1809,	7 50
Dwight Cecil, to 4th October, 1810,	8
Fairfield Nathaniel, to 23d May, 1811,	5
Johnson David, to 16th February, 1811,	8
Little Otis, to 5th June, 1811,	5
Stebbins Zenas, to 12th May, 1811,	5
Terrell Jacob, to 1st March, 1811,	7 50
Wells Martin, to 1st February, 1811,	10

*Adjutants.*

Adams Thomas, to 7th May, 1811,	84 85
Adams Moses, to 1st May, 1811,	45 58
Blossom Alden, to 4th October, 1810,	8 60
Bagley Abner, to 15th February, 1811,	11 33
Brichett Moses, to 10th February, 1811,	7 70
Brewer C. Daniel, to 1st October, 1810,	13 82
Beale John, to 1st December, 1810,	46 3
Bucklin Joseph, to 18th April, 1811,	9 63
Bliss Theodore, to 1st September, 1811,	12 13
Boyd Willard, to 1st June, 1811,	109
Bray Oliver, to 6th June, 1811,	16 79
Bates C. Isaac, to 30th January, 1811,	25 40
Cushing Thomas, to 1st January, 1811,	32 91
Crain Nathan, to 8th September, 1810,	39 56
Cutts William, to 1st February, 1811,	74 75
Davis Stephen, to 1st May, 1811,	10 3
Emery Moses, jun, to 9th October, 1810,	11 12
Foot Elisha, to October, 1810,	7 40
Foster Samuel, to 1st May, 1810,	20 81
Fettyplace Thomas, to 1st January, 1811,	4
Gage Nathaniel, to 15th February, 1811,	23 77
Gillett Daniel, to 1st September, 1810,	39 98
Hinman Ransom, to 7th May, 1811,	24 83
Ingraham B. James, to 22d May, 1811,	12 38
Keith Cyrus, to 1st June, 1811,	23 37
Lawrence Samuel, to 25th May, 1811,	16 14
Morgan Aaron, to 1st September, 1810,	11 89

Needham Harvey, to 2d May, 1811,	\$12 52
Ordway Nathan, to 2d May, 1811,	10 83
Pingree Samuel, to 23d May, 1811,	26 91
Richardson Wyman, to 12th May, 1811,	89 70
Rider Isaiah, to 25th May, 1811,	24 37
Stewart Jotham, to 2d November, 1810,	21 41
Sprague G. Joseph, to 1st June, 1811,	11 43
Tainter Harvey, to 1st May, 1811,	19 83
Thomas B. John, to 21st November, 1810,	24 18
Ware Jason, to 2d June, 1811,	13 15
Washburn Abiel, to 23d April, 1810,	6 90
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Total Military,	\$2607 95

*SHERIFFS' AND CORONERS' ACCOUNTS.*

Bridge Edmund, Sheriff of the county of Lincoln, for returning votes for members of Congress, and for Governor and Lieutenant Governor, and Senators, to May, 1811,	43 68
Crane Elijah, Sheriff of the county of Norfolk, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st May, 1811,	3 40
Cooper John, Sheriff of the county of Washington, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st May, 1811,	28 64
Chandler John, Sheriff of the county of Kennebeck, for returning votes for Governor, Lieutenant Governor, and Senators, to May, 1811,	14 40
Folsom John W. Coroner, for taking inquisition on the dead body of a stranger, June, 1810,	20 97
Hamlin Hannibal, Sheriff of the county of Oxford, for returning votes for Governor, Lieutenant Governor, and Representatives to Congress, to 22d May, 1811,	53 10
Hunnewell Richard, Sheriff of the county of Cumberland, for returning votes for Governor, Lieutenant Governor, Senators, and Representatives to Congress, to May, 1811,	50 70
Porter William, Coroner, for taking inquisition on the bodies of two strangers, 28th August, 1811,	41 79
Partridge George, Sheriff of the county of Plymouth, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st June, 1811,	14 40
Parker Stephen, Coroner for the county of Washing-	

ton, for taking inquisition on the bodies of Jonathan Handers, Andrew Robinson, and George, a mulatto, 26th March, 1811,	\$48 20
Smith Joshua, Coronor for the county of Oxford, for service of writ of supercedes on David Learned, late Sheriff of the county of Oxford,	8 10
Ulmer George, Sheriff of the county of Hancock, for returning votes for Governor, Lieutenant Governor, and Senators, to 2d June, 1811,	18 96
Ward W. Thomas, Sheriff of the county of Worcester, for returning votes for Governor, Lieutenant Governor, Senators, and Representatives to Congress, to 6th June, 1811,	28 80
Waite Nathan, Coroner for the county of Middlesex, for taking inquisition on the dead body of a stranger, May, 1811,	12 54
Wade Edward, Coroner for the county of Middlesex, for taking inquisition on the dead body of a stranger, 28th June, 1808,	19 70
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Total Sheriffs and Coroners,	\$407 88

### PRINTERS' ACCOUNTS.

Allen Phineas, for printing military notifications, to 8th June, 1811,	16
Cushing Thomas, for printing acts and resolves, to 29th May, 1811,	16 67
Dennio John, for printing acts and resolves to June 1st 1811,	16 67
Clap William, for printing reports of Committee on Penobscot Bank, 11th March, 1811,	18
Edes Peter, for printing acts and resolves to May, 1811,	34 66
Lindsay Benjamin, for printing acts and resolves to June 1st, 1811,	16 67
Wilder Salmon, for printing military notifications to 12th April, 1811,	32
Munroe Isaac, for printing for the General Court, Secretary, Treasurer, and Adjutant General's office, to June 22, 1811,	4143 95
Rhodes & Adams, for printing military orders to May, 1811,	4
Russell Benjamin, for printing General orders, March, 1811,	4 75



Thomas Isaiah, jun. for printing acts and resolves to June, 1811,	\$33 33
Total Printers,	\$4336 70

*MISCELLANEOUS ACCOUNTS.*

Bass Benjamin, for sundries for the use of the Council Chamber, December, 1810,	112
Chase Warren, for assisting the messenger to the General Court, June 22d, 1811,	46
Dudley Indians, Guardians of, due them in full to 26th May, 1811, which sum the Treasurer is directed to charge said Indians with, and deduct the same from the sum due to them from the Commonwealth.	122 17
Davis, J. P. for a marble Bust of General Washington for the Representatives' chamber, June, 1811,	20
Durant William, for cleaning State-house windows, June, 1811,	42 75
Grant Moses, for sundries for the Representatives' chamber, May, 1811,	23 38
Kidder Stephen, for stationary for the Council cham- ber, January, 1810,	8
Kuhn Jacob, for balance due to him on the 20th of June, 1811, over and above two grants made to him by the General Court, viz. one of seven hundred and fifty dollars, 18th June, 1810, and one of three hundred dollars, 29th January, 1811.	19 61
Larkin Ebenezer, for stationary supplied the Secreta- ry's office and Council Chamber, June 14, 1811,	48 93
Lapham Sylvanus, for assisting the messenger to the General Court to 22d June, 1811,	52
Pulcifer Joseph, for stationary for the Treasurer's office and Council Chamber, to June, 1811,	39 62
Perry John, for assisting the messenger of the General Court to 22d June, 1811,	52
Ridgway James, for sundries for the Secretary's office to June, 1811,	43 30
Skillings Samuel, for carved work for the Representa- tives' chamber, June, 1811,	46
Sumner Pinkney Charles, for making an index to the Journals of the House of Representatives, from the years 1780 to 1793, thirteen years,	70

Thayer Stephen, for labour for the Representatives' chamber, March, 1811,	\$10 50
Wells John and Benjamin, for copper canopy, April, 1811,	135 75
Wheeler Josiah, for repairing the State House, to 9th June, 1811,	319 50
Larkin Ebenezer, for stationary supplied the Treasurer's office, to 4th June, 1811,	16 34
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Total Miscellaneous,	\$1227 85

*Aggregate of Roll No. 65—June, 1811.*

Expense of State Paupers,	20,283 82
Do. Militia,	2607 95
Do. Sheriffs and Coroners,	407 38
Do. Printers,	4336 70
Do. Micellaneous,	1227 85
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	\$28,863 70

*Resolved*, That there be allowed and paid out of the public Treasury to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons, names respectively, amounting in the whole to the sum of twenty-eight thousand eight hundred and sixty three dollars and seventy cents, the same being in full discharge of the accounts and demands to which they refer

*In Senate, June 25, 1811.*

Read and passed, sent down for concurrence.

SAMUEL DANA, *President*.

*In the House of Representatives, June 25, 1811.*

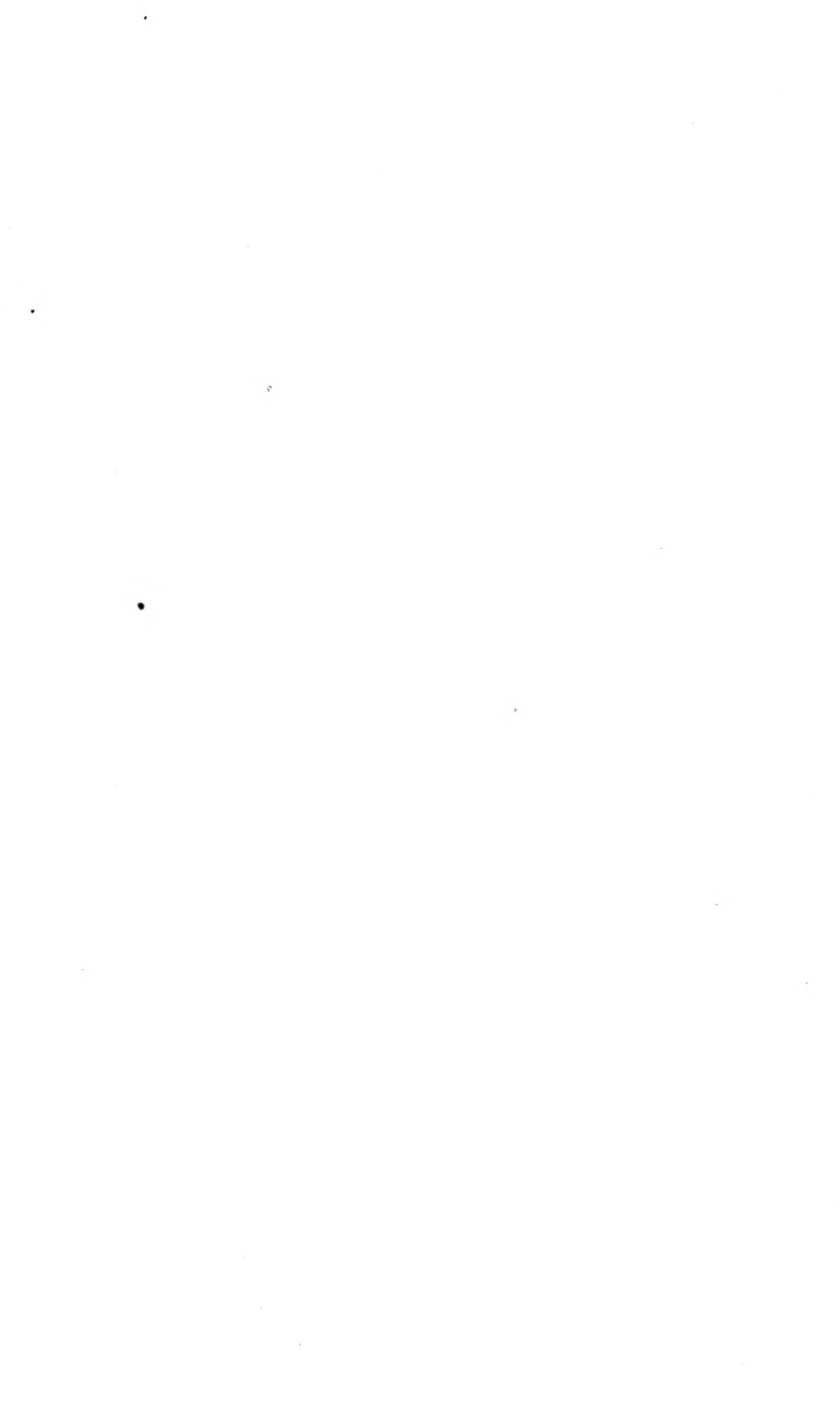
Read and concurred,

JOSEPH STORY, *Speaker*.

*Council Chamber, 25th June 1811.*

Approved,

E. GERRY.





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# RESOLVES

OF THE

## GENERAL COURT

OF THE

### Commonwealth of Massachusetts,

PASSED AT THE SESSION BEGUN AND HOLDEN AT BOSTON, ON THE  
EIGHTH DAY OF JANUARY, IN THE YEAR OF OUR LORD,  
ONE THOUSAND EIGHT HUNDRED AND TWELVE.

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Published agreeably to a Resolve passed 16th January, 1812.

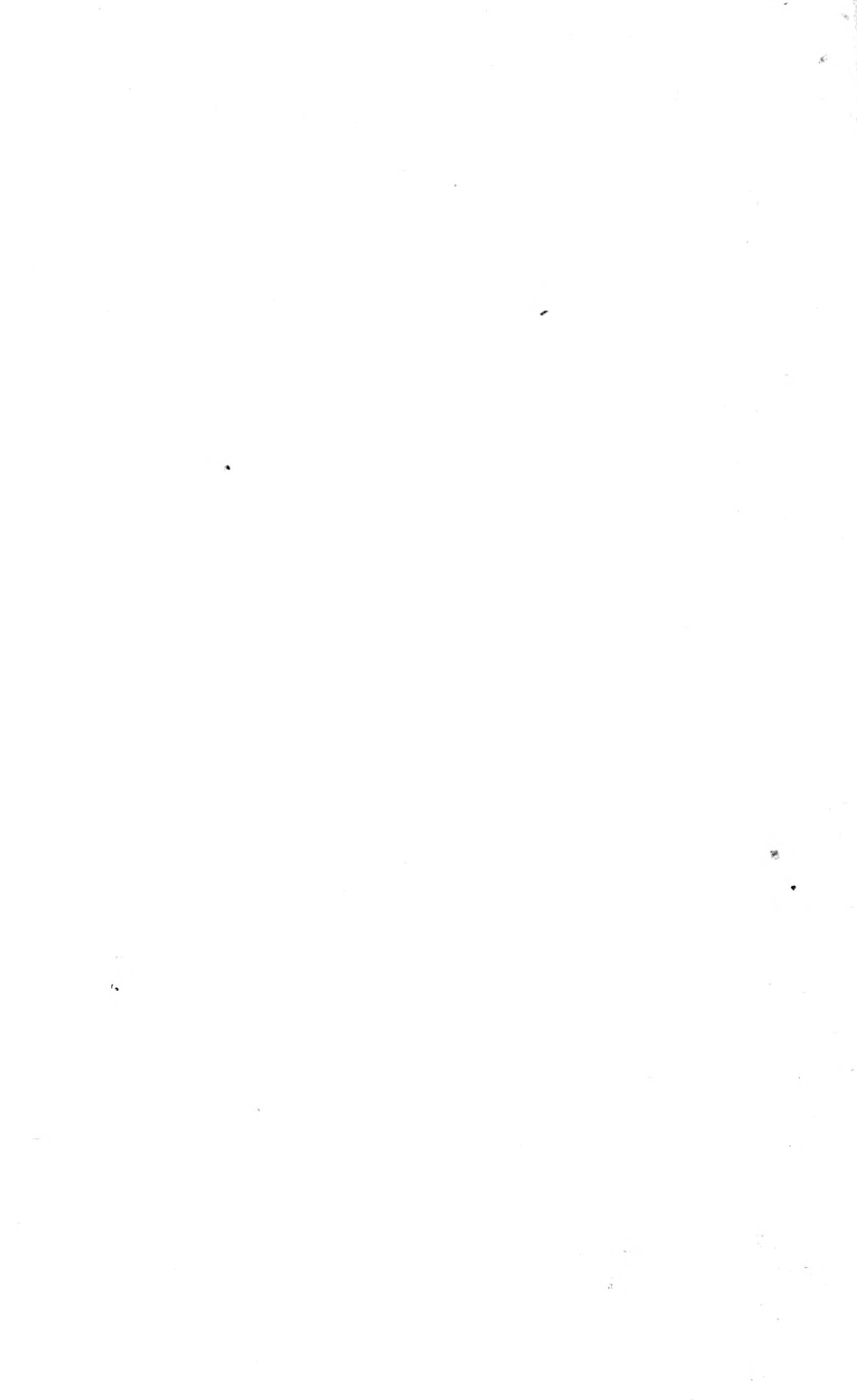
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1812.





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## General Court of Massachusetts.

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.....

### GOVERNOR'S SPEECH.

.....

REPRESENTATIVES' CHAMBER, JANUARY 8.

*At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor came in, accompanied by his Council, the Secretary of the Commonwealth, and other officers of government, and delivered the following*

### SPEECH:

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

AN official interview of the delegated friends of the people, assembled here in various capacities; to promote their general and individual happiness, cannot fail to inspire us with an ardent desire to attain those important objects, and with a firm determination, in the pursuit, to be guided by candour, justice, and unbiassed deliberation.

To divest our minds of party principles and feelings, ever productive of public and private calamity; to trace the streams of contention to their morbid fountain, and to liberate from them, our happy clime, are indispensable *duties*. And shall we

not, by a faithful discharge of *them*, render abortive the illusive attempts of *foreign* influence in *domestic* guise ; to excite to phrenzy our brave *republican* and *federal* brethren, who, in the revolutionary war, were united by sincere friendship, and who never have had reason for dissolving it—to urge them to sheath their swords in the generous bosoms of each other—and to render them, alternately, their own criminal executioners ; *lest*, when called on by their country, they again may act in unison, avenge her cause, and repel her haughty and unjust foes ?

What are the causes of our public dissensions ? Let us ascertain them, and apply a remedy. It may require a full view of the subject, but will render the most essential service to our country.

When, as colonists, our charter rights were infringed, and a political connection with Great Britain was no longer compatible with the public safety, we united in a common cause, and determined *to die or to be free*. We *drew* the sword, and *threw away* the scabbard. The conflict was with a SOVEREIGN, who had injured us, *too much to forgive us*. The God of Justice commanded our armies, and crowned them with victory.

Congress, placed by DIVINE PROVIDENCE on untrodden ground, attempted, at an early period, a national constitution. This was in the form of the confederation. It was a feeble chain ; too feeble to preserve the Union.

At the time when that project was formed, the patriotic officers of our army, unrivalled in merit, but ill-requited for their services, extended their views to hereditary honours. A proposition to this effect, was presented to the Commander in Chief. He had recently received the plan of the Confederation ; which to them was then unknown, and which precluded that measure. Justice demanded a generous reward for the officers, and Congress decreed it. This was unavoidably discharged by unfunded paper. It depreciated to an extreme, and did not remunerate the officers. They again soared to rewards of honour, established the order of the Cincinnati, and it was alarming to the States. To quiet these, alterations were proposed, but failed of adoption. The States viewed the system, as a bed, thick strewn with the seeds of *monarchy*. This was an *exotic*, not congenial with our climate, incompatible with the views of General Washington, and with those of a great majority of his officers. But the association commenced, and with it, *unfortunately*, but unintentionally on their part, a *spirit of party*. Such was the consequence of an *unfunded* paper medium, ever prolific of bad effects, and such the result of

unrewarded merit. But it will ever redound to the honour of the Cincinnati, that its measures have been confined to acts of *benevolence and charity*.

The Confederation, in its origin a doubtful experiment, soon evinced the necessity of amendments, or of another form of government. A Federal Convention was called, and preferred the latter. The existing constitution was referred to the States for ratification, and obtained it: but produced great excitements, and propositions from a majority of the States, for amendments. Many of these, when modified, were sanctioned by Congress, and united the people. That convention had officiated as a *national committee*, and had reported to the States the form of the constitution. This, like other legislative reports, was discussed, and like them when adopted, ought forever to have precluded *animadversions*. But in derogation of the rights and wisdom of the advocates of amendment, the happy mean of restoring union, they have been incessantly assailed with reproaches, to *perpetuate the flame of party*.

The revolution of France soon formed another epoch, and fertile of events unequalled in preceding annals, could not fail deeply to involve our national, state, and individual interests. In the destiny of France, was included that of Europe; and our citizens, according to their hopes and fears, were again arranged in political battalia, and were copiously supplied with inflammables to *nourish and increase the spirit of party*.

In the pursuit of this subject, it is an unpleasant, but a necessary task, to revert to the period which preceded the revolutionary war; and in which existed a small, but an active *anti-revolutionary* party. When hostilities commenced, a portion of it adhered to their king, and quitted the country; and the residue remained amongst us. Of the latter, a *part* conducted manfully, declared their opinions against revolutionary measures, whilst pending; and supported them when adopted. Such men merited applause. *Some*, less active, were still inoffensive in politics, and were treated with liberality and kindness. But *others*, and many of their descendants, have been and continue to be, the secret enemies of the government which protects them. Of the refugees, a *few* have been commissioned by their king, and admitted by our National Executive, in a public capacity. *Some* have returned, discharged their allegiance to our government, and been received with friendship. Whilst *others*, in the true style of *bold intruders*, have increased, if possible, their enmity towards us. Are not these disaffected refugees, residents, and their descendants, royalists

in principle and in practice, and are they not justly considered in this and in our sister States, as the most dangerous enemies of our peace, government, and union? Are not the United States and Great Britain, much indebted for their present disputes, to the machinations of the royalists, aided by British agents, and disappointed, irreconcilable expectants? And are not all these, *in fact*, the common enemy of both nations?—Why, in the negotiation for peace, was the British commissioner *strenuously for*, and our own ministers *warmly opposed to*, the return of the refugees? Was it not *foreseen*, that some of them would be vehement partisans of the British government?—Why were the royalists alluded to, *violently* in favour of the constitution, without amendments?—Was it not better adapted to their views, as a step-stone to *monarchy*? Why did *they* expect, that our revolutionary officers would support *such* a system? Was it because the worth of these had been estimated by a foreign standard; and that, of their number a solitary native *Briton*, had urged in the federal convention, but urged in vain, a *monarchical* project. Why have they taken the *name* of Federalists? Was *it* to serve as a cloak for enemies in disguise, and for avoiding the censure which awaited their demerits? Why have *they* mixed with one part only of the revolutionary patriots? Were they impelled by an enthusiastic zeal to *scourge* the other part; to perpetuate between them, an implacable hatred;—and thus to promote their mutual destruction?—Why have *they* considered every charge against themselves, as a charge against Federalists? Did *they* wish to *identify* themselves with these, whose political views are different from their own, as *virtue* from *vice*; as *liberty* from *slavery*?—Why have they proclaimed themselves the *friends* of the constitution and of General Washington? Did *they* expect to be the *guardians* of that national charter of our liberties, and to be thus rewarded for their revolutionary exertions, to raise his fame to the *height* of Haman's? Why have *they* stigmatized as *apostates*, those dignified patriots, who, deeply regretting and wishing to terminate our political contention, have again united with their friends and brethren? Did *they* *hope* by a blaze of ostensible patriotism, to *conceal* their want of political sincerity? Is it not a subject of astonishment that the co-patriots of the revolution, have been so long divided by delusive measures, concerted, to render the eastern states, the sanguinary Flanders of faction? Connected with this subject, are publications from the British gazettes, announcing “that there are in the United States, *writers* in the pay of the English minis-

try, to support their government." And if *writers*, are there not ministerial *printers* here to aid in destroying *our own*, and in re-establishing over us a *British* government? But without that evidence can the fact be doubted? Has not the press, occupied by pensioned writers, been the great engine of European potentates, to disseminate contention? Have they not by that mean, often destroyed the internal harmony of nations, *in treaty* with themselves, and made them the *slaves* of their own interest? And has not our political bark, from the time she was launched into her element of Independence, been endangered by such quicksands? The *liberty* of the press is a great, an inestimable public blessing. It induces *learned, religious, and elegant* writers, to expose and correct the follies, vices, and crimes of individuals in society; and the treachery, corruption and despotism of officers in government. It demands, then, as the grand palladium of liberty, and of virtue, the firm support of the government and people. But the *licentiousness* of the press is a great evil, in a free country.—It enables *vicious and prostituted* writers and printers, to attack the reputation and disturb the happiness of private individuals of both sexes, exemplary, correct and unblemished in their morals; and to misrepresent, calumniate and vilify national rulers, patriotic, diligent and faithful in office. It is often destructive of the liberty of the press, is reprobated by the wise and good of all parties, and is the most powerful political battery, of a foreign government, against a free state. A small appropriation of such a government for *secret services*, would render *independent* specious writers and printers, in every State; who would daily supply columns of slander and falsehood, exhibiting the city or town of their residence, as a hot bed of sedition; entailing unmerited odium on its inhabitants; disaffecting the citizens of a state; sapping the foundation of the national government, union and independence; and tending to produce a state of anarchy, and to render as a remedy for this, *despotism* itself a political *paradise*. How indispensable to liberty and to the happiness of society, is the purity of the press; ever preserved in free governments, by the harmony and virtue of the community! How fatal to these is a polluted press, that flaming *Ætna of party spirit*! The difficulty of drawing the line between the liberty and licentiousness of the press, is such, as to have greatly promoted the latter, and to have evinced the increased necessity of discriminating between the *discordant friends*, and the *decided foes* of our country. And is it possible to mistake them? Can the Ethiopian change his skin or the leopard his spots?—

Let not then the millions, who are or may be inhabitants of this immense republic, destined by the God of nature, to be the resort, and *impregnable* fortress of Liberty, become victims or vassals of despotism by means of pensioned writers and printers, aided by a faction of any foreign nation. And if amongst the obstacles of our re-union, patriotic, but disappointed expectants should appear, let them reflect, *that* a President, by the gift of an office, cannot satisfy its numerous votaries; and *that* public exertions, flowing from the *hope* of offices, and terminated by *its* defeat, characterize neither a statesman or patriot. Let such be treated with lenity, and they will rise superior to their causeless chagrin. If any are touched by the *pride of party*, let them consider, *that* to err is the lot of humanity; *that* to *correct errors*, is sublime, but that to be the *slave of them*, is in politics, to be the *foe of liberty*.

Having traced the *streams*, before we proceed to the *fountain* of contention, permit me, gentlemen, to turn your attention to our great national concerns; they demand your most serious consideration. There are points in them, which it is believed, are self-evident to the nation, and these among others—*That* the destructive wars of Europe, their extent and duration, and their effects on our political and commercial concerns, have been far beyond the controul of our federal government: *That* whilst each of the great belligerents has uniformly and strenuously endeavoured to draw the United States into his vortex, and to throw blame on their government for disdaining to be the dupe of his policy: Our administration, ever alive to the interests of the states and people, have been zealous to preserve peace with all the belligerents; to exercise patience, while it was a virtue, and even while it was not a crime; to discuss with candour and truth, every subject of dispute between our own nation and any other; and to effect, if possible, an amicable adjustment with all of them; and also *that* the *royalists* have denied, in almost every instance, the correctness, sound policy and wisdom of our government, and have laboured abundantly to stigmatize it with the want of probity, truth, and patriotism. I have received, on this subject, from the Secretary of State of the United States, a printed copy of the President's message to Congress, at the commencement of their present session, fraught with wisdom, justice and firmness, and also of the documents which accompanied the message; all of which I shall order to be laid before you. *An attentive perusal* of them, it is conceived, will not leave a doubt in your minds, "of the extinction of the French decrees, so far as they violated our neutral rights;" or



of the effectual measures of the national administration, for ascertaining the ulterior policy of the French government" relative "to the great amount of American property seized and condemned under their unjust edicts," and to "other demands of strict right on that nation;" or of the firm determination of our government, by suitable means, to meet those of France.—*Such a perusal* may also convince you, *That* the conduct of Great Britain towards this nation has increased in hostility: *That*, for a series of years, she has insulted our government by negotiations, intended *merely* to amuse it, and to enable her, with impunity, to pursue a *system of rapine*;—*That*, she pertinaciously continues her orders in council, and unlawful blockade, with a view to *enforce* submission to them; to *degrade* these States to the level of *colonies*; to interdict their commerce, authorized as it is by the public law; to capture and confiscate on lawful voyages, the ships and cargoes of their merchants; to transfer unjustly, their active property, the national sinews of war, to her subjects: and to enable these, whom she has shamefully commissioned, to live *by pillage and plunder*—And *that* she also persists in her system of seizing our brave seamen, and of consigning them to her ships of *war*, thus rendered *the floating pandemoniums of the ocean*. In addition to these injuries a proclamation, not officially announced, is publicly declared to have been issued by the Prince Regent of Great Britain, by and with the advice of his privy council, making it "lawful, in any ship or vessel," "not belonging to France or her subjects," "to export from Halifax" and certain other British ports, "to any port of the United States," "*from which British vessels are or shall be excluded*," certain "articles, being the growth, produce or manufactures of Great Britain," *prohibited* by our government; and also to import into her said ports," from these States, certain other articles, the exportation of which is *prohibited in British vessels*. If this extraordinary measure, (the authenticity of which has not been denied, and seems to be confirmed by the increase of smuggling, and by the general policy of that government to force her trade by such depraved means) is actually adopted, *does it not* encourage and invite the subjects of Great Britain, and our own citizens, to violate a solemn act, sanctioned as a *perfect* right, by our national government? *Does it not* place his royal highness on a *level* with lawless smugglers; in the grade of seducers of our citizens from their allegiance; and on the list of the violators of our laws; at a period too, when by the public law he is in duty bound to respect *that act*, as the law of a neutral power?

Having used as convertible terms Great Britain and her government, it may be requisite to discriminate between them; and between her *politicians* in place, and her *statesmen* out of it.—That great and powerful nation whose inhabitants are celebrated for their religion, morality, love of liberty, literature, industry, and valour, is entitled to as much respect and reverence, as perhaps any nation on earth. Her most able statesmen have condemned her unjust and impolitic conduct towards us, which appears to have resulted from her form of government and from her *politicians*, who have administered it. A majority of her House of Commons is elected by a few individuals, controuled by the administration. The great Chatham reprobated this “as the rotten part of the constitution, which required amputation.” The consequence has been a system of executive *influence*, a refined term for *lawless* power, which has enthralled that nation, and ruined every other, which has yielded to her policy. And are we not now arrived to the *morbid fountain*, that has long nourished those streams of contention, which have infected our body politic; which have produced symptoms in it of violent disease; and which have rendered indispensable, effectual remedies to prevent its dissolution, and to restore it to health and vigour? Is not this congenial with the former conduct of that government? Did it not protect during the revolutionary war, within the lines of its army, printers who had deserted from these States, and employ them, to vilify in the most opprobrious terms, the members of Congress, and their principal officers, civil and military? Did not one of those printers declare that he had been well rewarded *for that service* by his *Britannic Majesty*? And did not *that King* protect in the same manner, men who made and circulated *counterfeit* bills of public credit, to destroy the currency of our own, although *a crime punishable by death*, when committed against *his realm*?—*Calumny, smuggling, counterfeiting!* What weapons for a *King* to wield in *war* or in *peace*!

Would it not require a *folio*, to record the violations of our rights, whilst colonists, by Great Britain; and a proportionate volume, since she acknowledged our independence? Have not numerous instances of this kind been proved to a *demonstration*, by our national government and ministers? Let us then, to place in a clear light her late conduct towards us, apply a few plain principles of the law of nations.

The public law declares, “*That any one attacking a nation, or violating its perfect rights, does it an injury; from which*

time, this nation has a right to repel him, and reduce the aggressor to reason."

"*That*, If neutrals only continue their customary trade, they do not thereby declare themselves against a belligerent's interest, they only exercise a right, which they are under no obligations of sacrificing to him."

"*That*, Every nation is obliged to perform the duty of self preservation." "It is not less obliged to preserve all its members. The nation owes this to itself, since the loss of even *one* of its members weakens it, and is injurious to its own preservation. It owes this also to the members in particular, in consequence of the very act of association; for those who compose a nation are united for their defence and common advantage."

"*That*, Whoever alienates the subjects of another, violates one of the most sacred rights of a state. It is the crime distinguished by the name of *Plagiat*, or man stealing; and is accordingly punished with the utmost severity."

"That foreign recruiters are hanged immediately; as it is not to be presumed, that their sovereign ordered them to commit the crime, and if they did receive such an order, they ought not to obey it. If it appeared that they acted by order, such a proceeding in a foreign power is justly considered as a sufficient cause for declaring war against him."

Thus it appears by the public law, that our national government have, for many years past, had a right to repel that monarch, who has invariably violated its *perfect* rights—That foreign *recruiters*, who use no force, to enlist *volunteers*, are subject to be immediately hanged—That the press-gangs of Great Britain, having forcibly taken from vessels of the United States, their native citizens, have committed crimes of a deeper die, and have richly merited a similar punishment—And that *man stealing*, sanctioned as it has been by his *Britannic Majesty*, in so flagrant a degree, is, and for a long time has been, a just cause for declaring war against him.

Are not other views of the subject requisite? By the arbitrary interruption of our commerce, on the part of Great Britain, what heavy losses have been sustained by our *merchants*, *farmers*, and *manufacturers*? What a large proportion of their capitals, and of the surplus of their industry, has been sacrificed? What injuries have resulted to the whole community?—In regard to our *seamen*, are there any of our fellow citizens, to whom, in peace, or in war, we are more indebted, than to them? To their brave and adventurous spirit, during the revolutionary war, were we not principally indebted, for supplies of clothing,

ammunition and other necessities for our army ; captured in a great measure from the enemy ? For *ammunition* when our military operations were paralyzed by the want of it ? No men could be more patriotic, and no class of men sacrificed for their country, such a proportion of their lives, as did the officers and seamen, who have navigated under the American flag : ought not any foreign nation, who had dared to have seized such citizens, in violation of our most sacred rights, to have been served with a positive demand of them, and in case of a refusal, with a just and immediate reprisal of as many of her subjects ? What has been the consequence of forbearance on the part of the United States ; of submission to such outrages ? Has Great Britain diminished, has she not increased them ? Has she not stolen thousands of our meritorious seamen ; separated them from their wives, children and friends ; compelled them to combat friendly nations, to thus endanger our peace with them, and to aid in destroying our own citizens ? Has she not doomed them to exile, slavery and death ? Has Great Britain, since the independence of the United States, treated them with the respect due to an independent nation ? Will not their degraded state invite her to acts not more criminal ; *to seize our landsmen, when requisite for her mines, or for defending her conquests in distant climes ?* Will not the love of liberty, and every principle of patriotism, and of national attachment be annihilated by our continuing in such a torpid state ? Will it not entail on us the *title and treatment of slaves ?*

If Great Britain had been wise and just, a war with her would be contrary to the mutual interest of both nations. And under existing circumstances will it not be a wonderful event to be solved only by her political blindness, or obstinate injustice ? Will it not accelerate her own destruction ? This, which it is in her power to prevent, is not the object of the United States ; they would deeply regret it. But their existence, as an *independent* nation, depends on their maintaining their rights, or repelling a farther invasion of them ; and on obtaining justice for past injuries. In support of the dignified and energetic conduct of our national government, will not the citizens of this State be *ardent* to pledge *their property, their lives, and their sacred honour ?* The present state of our country, the spirit of the nation, the union of her citizens, her ability (in her Zenith) to enforce her rights, the hazard on the part of *Great Britain* of refusing justice ; all conspire to confirm the policy of decision and vigour, in regard to the United and the individual States,—If, at this momentous crisis, the nation should

cease to *respect herself*, and shrink from the indispensable duty of *self preservation*, shall we not be urged soon by the advocates of vassalage, to supplicate his Britannic Majesty to admit us again into his royal favour as penitent subjects, to grant us his kind protection, to cheer us with his paternal smiles, and above all, to recommend us to the patronage of his faithful royalists, in these his dutiful provinces?

Are we not then called on to decide whether we will commit the liberty and independence of ourselves and posterity, to the *fidelity and protection of a national government*, at the head of which is a MADISON, supported by an executive department, a senate and a house of representatives, abounding with revolutionary and other meritorious patriots? or to a British administration, the disciples of a BUTE, who was the author of the plan to enslave these States; and to *American royalists*, who co-operated with that government, to bind us in chains, while colonists; who have been generously forgiven by Americans, and again admitted into favour; but who, like ingrates, are still pursuing our subjugation and ruin? Is it not morally and politically impossible, that a doubt can exist, in regard to the choice? Since then, there no longer exists a cause for party spirit, in regard to the patriotic *Cincinnati*, to the *Federal Constitution*, or to the *two great Belligerents*; since our disputes with one are adjusted in part, and the residue thereof is in a train of amicable negociation; since our concerns with the other are reduced to a point, which presents to his choice, the alternative of *justice or war*, does not our country demand of us, *as her right*, to immolate contention on the altar of liberty, and to consecrate at her shrine a COALITION OF PARTIES?

For the honour of the nation, and of human nature, let us now terminate an unnatural, dangerous, and disgraceful *spirit of party*, and again convince our internal and external foes, "that we are all *Republicans*, that we are all *Federalists*."

It is a subject of congratulation, that, vulnerable as the United States, in their commerce are, by foreign injustice, they are rendered by the resources of their country, and particularly by their agriculture and manufactures, *independent* of every other nation. Those can furnish our citizens with the necessities, with the conveniences, and with many of the luxuries of life. Our territory also, extending far and wide, and abounding with a variety of fertile soils, and of pure climates, will excite energies, that will soon supply even imaginary wants. But do not our manufactories require a serious atten-

tion? The frequent destruction of them by fire, manifestly applied by incendiaries, and the crimes often practised by governments, as well as by individuals, for wealth and influence, and for destroying competition, render necessary on the part of this State, the protection of those infant, but inestimable establishments. The means best adapted to this purpose, will require your wise and deliberate consideration.

The spirit of the Militia is not abated, and cannot be encouraged beyond its merit, or importance. In some parts of the Commonwealth, there is a deficiency of muskets, which, for the want of means, cannot be procured by many individuals. An immediate remedy for this evil seems to be requisite, in the present posture of our public affairs.—The extent of the districts and the number of men in several of the divisions of the militia, having required an increase of these, I have proposed the measure to the Council; and you shall be duly informed of the result. The periodical report of the Adjutant General, presents of this subject a pleasing aspect—The aggregate of the infantry, is 64,902; cavalry, 2994; artillery, 3233; but the cause of the decrease of the militia may require investigation, and may flow from the militia law; which, in several particulars, requires amendment.

I have endeavoured to discharge the unpleasant, but important duties required by the laws of the last session, in regard to appointments, in a manner that shall best accord with the public tranquillity and interest. Unavoidable circumstances have prevented, in a few instances, the completion of this business.

I have received from the Honourable Gouverneur Morris and other gentlemen, being a committee of the State of New York, a letter on the subject of “opening a communication, by means of a canal navigation, between the great lakes and Hudson’s river.” The propositions of that government, in regard to this great and important enterprize, appear to be consistent with that liberality, justice, and sound policy, which always characterize a magnanimous state.

I have received from the Treasurer, his account to the first of the present month; by which it appears, that the Commonwealth has one million dollars in the stocks of the Union and Boston Banks, and that when the balances due to the Commonwealth shall be collected, there will be in the treasury a sufficient sum to discharge the debts due from the State, and a surplus of two hundred and fourteen thousand eight hundred and twenty-two dollars and sixty-three cents.

The board of visitors appointed by the act for establishing "the Massachusetts General Hospital," having had various duties assigned them, and this amongst others, "to examine the by-laws and regulations enacted by said corporation, and if they see fit to disallow and annul the same," were convened, to consider the first article of the first section of the by-laws in the words following : "Every person who shall give or subscribe one hundred dollars to the use of the institution, shall be considered a member of the corporation, and entitled to one vote, on all questions which may arise at any of its meetings. Persons subscribing or giving \$250 shall in like manner be entitled to two votes. Persons subscribing \$500 shall be entitled to three votes. Persons subscribing one thousand and upwards shall be entitled to four votes. N. B. It being understood that the privileges herein granted, are subject to the powers vested in the board of visitors, by the act of incorporation, to disallow and annul the by-laws, if they see fit." By this provision, on the supposition that the sum required to build the Hospital, in addition to the value of the Province House, should be \$100,000, (and it was conceived that a less sum would be inadequate,) if the average of the donations should be \$100, one thousand persons would be added to the corporation ; if \$250, eight hundred persons ; if \$500, six hundred persons ; and if \$1000, four hundred persons. In either of these cases, the existing corporation would be so out-numbered, as to become mere cyphers, in respect to their authority ; and there being no data to determine that such was the intention of passing the act, the board unanimously voted to annul that article of the by-laws, so as to give to the Legislature an opportunity of carrying into effect, their intentions, whatever they may be. The board did not think it honourable, to obtain the sum wanted by donations, and then to abrogate the article quoted.

Many institutions of this Commonwealth, which have promised great benefit to the public, would have met with much more success, had similar corporations been established. When one only of any kind is permitted, it too frequently happens, that a majority of the individuals composing it, indulge their private views and interest, to the exclusion of men of the most enlarged, liberal and informed minds ; and thus destroy the reputation and usefulness of the society itself. The multiplication of such institutions, has a tendency, not only to prevent this *evil*, which is an *opiate to genius*, but to produce a compe-

tition, and to promote in the highest degree the utility of such establishments.

The Annual Report of the Quarter Master General is made, and it appears, that in this Commonwealth are seventy-one companies of artillery, furnished with one hundred and forty-four brass field-pieces, with seventy-one tumbrils, and every equipment, to take the field at the shortest notice. But the length and calibers of the small arms differ so much as to require attention.

The Report of the Directors of the State Prison has by some accident been delayed ; but they have conducted the affairs of it with great ability and attention, and have adopted a system of œconomy, which has reduced in a remarkable degree the expenses of that beneficial institution—the report, when received, shall be duly communicated to you.

During your recess, I have received several anonymous threats of assassination, for having supported the national government ; and had they been confined to myself, I should have continued silent on the subject. But this, from appearances, is part of a system to paralyze exertions, in the cause of our country, and in different shapes has been extended to several gentlemen of great respectability in and out of office. Our late venerable President Adams, that great and good man, who in our conflict for liberty, was the pride of Massachusetts, and an oracle of Congress ; who, for revolutionary services has not been surpassed by any others ; and who has been publishing in a series of letters, the history of his political career, a work promising essential and permanent service to his country ; *merely* for this, has been also threatened “ with assassination in his bed.” And do the foes of this country expect, by *any* means, to check its friends in support of its cause ? Are these to be paralyzed by the dread of slander or falsehood ? That would manifest weakness in the extreme. *They fear to do wrong and nought but that.* Are *they* to be intimidated by apprehensions for their property, ease, or enjoyments ? Those would betray a sordid disposition, *the birth-right of Slaves.* Are *they* to be appalled by contemptible threats of death ? The real prospect of it in their country’s cause, can never daunt the patriotic souls of freemen. *They disdain threats*, and bid defiance to every attempt for arresting their duty to the public, and above all, their support of the national government, the main pillar of our union, liberty and independence.

The length of this address, produced by the critical state of our public affairs, prevents a mention of other subjects, which



I shall communicate by message, and with it, the documents referred to on this occasion.

And now, gentlemen, permit me to express an unlimited confidence in your cool, firm, and wise deliberations ; a fervent prayer that they may be under the guidance of that Omnipotent Being, who can never err, and a fixed determination to co-operate in all your measures, for preserving our inestimable rights, and for promoting the great objects of national, state, and individual happiness.

E. GERRY.

## ANSWER OF THE SENATE.



MAY IT PLEASE YOUR EXCELLENCY.

THE Senate have heard and considered your Excellency's communication to both branches of the Legislature with uncommon interest and peculiar satisfaction. The present official interview of the delegated agents of the people, will not, we presume, fail further to promote their general happiness, in the pursuit of which the Senate of Massachusetts will, we trust, always be guided by *candour, justice, and unbiassed deliberation.*

The able manner in which the polluted streams of *party spirit* are traced to their corrupt sources, and the judicious means by which our citizens are invited to extinguish it, by a conciliating union of sentiment and action, in support of the common cause of our country, at this alarming crisis, are honourable testimonies of your Excellency's abilities as a statesman, and feelings as a patriot.

They cannot fail to inspire our citizens with a just indignation against *foreign* influence in *domestic* guise, and with a firm determination to render abortive all its insidious attempts: it is cause, however, of great satisfaction, to find in tracing the virulent effusions of *party spirit* to their origin, that although all the disaffected to our republican institutions have marshalled themselves under the standard of *Federalism*, the more plausibly to effectuate their destruction, yet that the great body of our citizens under the denomination of *Federalists* are in no wise implicated in the censure; and we will not at present suffer ourselves to doubt, that when the sword shall be drawn, and the United States shall be compelled to vindicate her just rights and national independence, by the power of her arms, a very large proportion of the Federalists, animated with the love of country, will be found ardently supporting her cause against her foreign enemy, and forming one solid phalanx with their *Republican* brethren; while the wretched remnant, stript of the

garb they had surreptitiously assumed, will be left to seek their safety by flight under the protection of the enemy, whom they had so faithfully served, or to meet the just punishment of their crimes and treasons.

When that period shall arrive, the American people will indeed be considered "all Republicans, all Federalists."

We believe with your Excellency, that on a candid review of the conduct of our national government in its foreign relations, to every citizen, who is not obstinately blind to the interests of his own country, or corruptly devoted to those of a foreign nation, these truths must appear self-evident:—*that* the extent and duration of the present destructive war in Europe, the palpable injustice and violation of all public law, which has marked its progress, and the deleterious effects, which the piratical decrees of the belligerents have produced on our political and commercial concerns, have been beyond the controul of our Federal government;—*that* while the belligerents have left no means untried to associate the United States in their ruinous conflict, the American administration, always alive to the interests of the people and the blessings of peace, have been able to avoid becoming the dupes of their policy;—*that* when injured, they have negotiated for redress, and when their injuries have been attempted to be justified; our rights as a neutral nation, by able and candid discussion, have been unanswerably vindicated;—*that* on every occasion they have evinced the disposition both of our government and people to be at peace with all the world, and *that* by a candid and impartial conduct towards all, they have given no just cause of complaint to any;—*that* in proportion as their desire for peace has been manifested, the insults and depredations of the belligerents have increased and accumulated upon our citizens; the vessels and cargoes of our merchants have been piratically plundered, and transferred to the plunderer; the persons of our seamen have been stolen, and held in ignominious bondage; our territorial rights and national jurisdiction invaded, and our authority insulted;—*that* all these insufferable evils have been met by forbearance, as long as patience remained a virtue;—and *that* now when France has removed her offensive decrees, as it respects the United States, and Great Britain refuses to do the same, in violation of her promise to proceed *pari passu* with her enemy; open resistance to them has become the indispensable duty of the American government; and in so just a war, so unprovoked on our part, and attended with so many acts of injustice and violence on the part of our enemy, we may safely appeal to the God of armies for his aid and protection.

The encouragement given by the British Cabinet to the lawless violators of our municipal regulations, are degrading to the character of the sovereign of a great nation : but from the principles avowed by the friends of the British Prince Regent, (when in opposition to a corrupt court,) have we not reason to hope, that when clothed with unrestricted sovereign powers, one of his first acts may be, to remove all just causes of animosity between the two nations? Should this happily be the case, much injury to both may yet be avoided ; but if not, the last resort of nations must be appealed to. In this event, it is pleasing to reflect, that through the inexhaustible resources of our Country, her agriculture and increasing manufactures, she is already independent of any nation on earth ; whether in the necessaries, conveniences, or even luxuries of life : in energy and martial spirit her citizens have never been wanting, and the day is not far distant, if her enmity be sought, when no portion of the North American territory will acknowledge a foreign Sovereign.

We concur with your Excellency in the belief that much of the virulence of that *party spirit* which has disturbed the internal harmony of our nation, and the social intercourse of our citizens, and kept alive a uniform spirit of opposition to our government, on all occasions, has originated in the prostitution of some of our public presses to the designs of pensioned writers and editors in foreign pay. The freedom of the press is essential to a free state, and may be denominated the palladium of civil and religious liberty ; and while it is confined to the advancement of science and literature, and the improvement of manners and morals ; to a free discussion of the conduct of all public men in their public measures, and a fair inquiry into the nature and principles of government or religion, it then is indeed an inestimable public blessing.—But when it becomes prostituted to the purposes of private scandal, or is made the medium through which to destroy the usefulness of great and eminent men, it then becomes *licentious* and dangerous to the very liberty under which it would sanction itself. The line to be drawn between the *liberty* and the licentiousness of the press, is a work of too much delicacy for legislation to anticipate, and will be more safely entrusted to the good sense and wisdom of our juries, who are composed of men, who, in every case that may be brought before them, will guard, with jealous eye, the inestimable privilege of a free press, and be willing to punish its licentiousness, as the worst enemy of its freedom. How far the truth may be given in evidence in justification of any supposed libel, and whether, from the nature of our republican in-

stitutions, a variation from, or change of the common law ought to be made, are not proper subjects of judicial consideration, but may demand legislative attention.

The Senate will pay the earliest attention to the Militia Law, and supply every defect in the munitions necessary to place the Militia in the most respectable situation.

We highly approve the decision of your Excellency and the board of visitors of the Massachusetts General Hospital, for annulling that section of the by-laws, drawn up by a committee for the regulation of the Hospital, as the existing corporation would have been so far outnumbered as to render them mere cyphers. By this judicious procedure, the Legislature will have another opportunity of directing that establishment on principles, wise and liberal, and worthy the dignity of the government which patronizes it.

Competitions in public institutions, whose establishments are founded on the improvement of useful arts and sciences, serve as a stimulus to genius; when one only of a kind is permitted, a majority of individuals composing it, are apt to indulge private views and interests, to the exclusion of men of the most enlarged, liberal, and informed minds; to be distinguished in *arts*, the avenue to science must not be obstructed by a selfish and monopolizing policy.

We are highly gratified with that part of your Excellency's communication, which respects the improvements made in the government of the State Prison.

We consider it our duty to express our utter indignation at the authors of the anonymous letters alluded to in your Excellency's communication. In times of political emergency the menaces of the incendiary and assassin, are intended to intimidate the patriot from the steady pursuit of his duty to his country; in justice however to the moral and religious character of the citizens of our state, we cannot but believe, that the wretches who penned them, stand isolated from the rest of society, and have no protection from the just punishment of their crimes but in the secrecy with which they are committed.

Any further communications, which your Excellency may see fit to lay before the Legislature shall receive the earliest and most prompt attention on the part of the Senate.

*In Senate, 17th January, 1812.*

Read and accepted, and thereupon ordered, that the same Committee who reported it (Hon. Messrs. King, Tuttle, and White) present the same to his Excellency the Governor.

SAMUEL DANA, *President.*

# ANSWER

## OF THE

### HOUSE OF REPRESENTATIVES.



*MAY PLEASE YOUR EXCELLENCY.*

**A**T no period, since the great national era of our country, has the voice of the people called more loudly on government to respect itself, than the present.—The House of Representatives have received the address of your Excellency to their body with uncommon warmth of approbation.

Deeply impressed with the necessity of taking a firm political stand, the House of Representatives did look to the Chief Magistrate of *Massachusetts* for a renovation of that inflexible perseverance, a display of those services, and an expression of those sentiments, which added so much lustre to a former period of your Excellency's life.

The public mind is solemnly engaged on the passing events, the public eye is looking steadfastly on the measures now in agitation, and the public voice is ready to approve or condemn. It was all important that the highest authority in the Commonwealth, regardless of personal considerations, should recur to original principles, fortify the rights of the people, display the public danger, and if necessary, act the part of a public accuser.

Perhaps it is too much to expect that party principles and feelings can ever be wholly eradicated from a free country, whose citizens enjoy an elective government. Hence a mutual toleration is a mutual duty; and shades in principles ought not to interrupt social intercourse.

The passions of the people, which, in a Republic never sleep, are subject to jealousy, which, if not carried to bitterness, serves as checks and balances. If fidelity to the Constitution

is the pole star of all, whatever differences of opinion may agitate different breasts, no detriment can happen to the Commonwealth, when all look to the ark of their safety, the great national Charter. But, when those whose mental treason, self detected by a whole life of practices, little short of overt acts, claim to rest on the Constitution, and when pursued and arrested, justify themselves under *benefit of clergy*, through the liberal spirit of the Magna Charta of the land, toleration to such, is treachery to the public ; the domestic firehearth becomes an asylum to the destroyer.

In ascending to first principles, your Excellency has most satisfactorily deduced the consequences which have resulted from the revolution. Posterity will never cease to sympathize with the war-worn soldier, who, in giving every thing to his Country obtained nothing for himself ; and while the Cincinnati, like the heroes of antiquity, who were contented with an emblem of honour, have claimed only a ribbon of distinction ; and while their motives are wholly devoted to acts of benevolence and charity, would it not be an act of justice, in every State and Commonwealth, to afford them additional means to soften the decline of life of the meritorious and distressed survivors of the revolution. This act of justice is the more pressing, as the period is near at hand when the last revolutionary soldier must bid adieu to his country.

It will, doubtless, be a cause of lasting regret to this country, that the Royalists of the revolution did not, all of them retire to the country of their preference.—But the mild spirit of those times felt a repugnance to banish even an enemy, while the prophetic eye of the people, foreseeing the glorious result of the revolution, and the future universal prosperity of the country, thought there would be a sufficient pledge of their fidelity, in permitting them to enjoy in the general happiness. How fatally were they deceived ! The fathers never forgave this country her separation from *Britain*. They died in peace with a foreign nation and scorned the soil that enveloped their relics ; and now a double portion of their spirit has revived in their sons ; who dare to act, what their fathers never dared to think. It is the misfortune of humanity that, virtue, too pure to be communicable, should die with its possessor, while the contagion of a corrupt propensity, possessing a principle of immortality, should infect successive generations. Hence it has happened that *Massachusetts*, who of all other States, during the revolution, had most to fear from internal enemies, since that time, even to the present moment, has had most to fear from the

same cause. If these open, undisguised enemies of the republic, ally themselves to the Federalists, and are merely tolerated by them, for the sake of counting each one of them an unit, it cannot be presumed that their anti-constitutional principles, bursting forth in practices little short of overt acts of treason, will be acknowledged or sanctioned by the Federalists, whose name they have borrowed for the destruction of the government. These "*bold intruders*," whose daily lives are devoted to weaken and embarrass the public mind, fixing on the present political crisis, and claiming to be citizens from the circumstance of their birth, dare attempt to controul the destinies of the country; and sentiments, which in former times wanted an imagination to conceive them, they now dare publish to the world, and for the truth of them they appeal to the people; nay more, they appeal to the name of WASHINGTON, thus heaping reproach on his grave in the name of the country, while the shade of *Hamilton*, on whom they called while he was living, sleeps in undisturbed repose! The address of your Excellency will doubtless arrest the bold career of noon-day inceptive treason, and turn the public eye on domestic partisans of a foreign power.

The press, like the sun in the firmament, should be unassailable. In times like the present, it may be a great evil; and when moral sentiment and patriotism decline, it will be the battering ram to destroy every vestige of liberty. In its wrath it is a terrible engine; but like the sun, if he sometimes consume, in his proper course he is the grand dispenser of light and heat.—The destruction of republics is part of the monarchical system. A real republic wears a daily beauty which renders monarchies odious. The first attempt of *France* to organize a republic enlisted against her most of the monarchies of *Europe*. No wonder, if we have pensioned writers, and pensioned printers in the midst of us. A great British statesman recently declared in the House of Commons, that one of their printers deserved a statue of gold for his services in this country. If printers, during a series of years, fill their weekly columns with libels on the administration of the government, and pretending to respect the government as distinct from the administration, persevere through successive administrations in opposing almost every act of the government, without approving one, the House of Representatives believe that such facts are a sure criterion of a pensioned, ministerial printer. But the House of Representatives are happy to observe that they believe the effect produced on the public mind, through the medium



of certain public prints, is neither great nor extensive, and that as a false cry of fire may arouse a whole city, so a single political incendiary may frequently disgrace a large community, and give a momentary impression of general revolt.

On our great national concerns there can be but one opinion. Our government have held forth the olive branch until its leaves are withered ; they have addressed themselves to justice until her scales are become inverted. They have forbore until forbearance has invited new aggressions. Placed by our commercial importance as an object of jealousy between the two great belligerents, our country has in many instances been sacrificed by both ; and the effects thereby produced on our commerce have been utterly beyond the controul of the federal government. The period is now come, when this country must cease to be an independent power, or reclaim her usurped rights. *Britain*, whose unhappy destinies have sunk her into a piratical State, and whose wrongs to this country have accumulated through a protracted negociation until redress has become hopeless, still amuses the United States with the residence of a minister, who, before he can settle one point of an old controversy, is called upon to answer new causes of complaint. Thus murder, rapine, legalised plunder, wanton impressments of our seamen, and last of all, smuggling, have accumulated the catalogue of her crimes, until negociation in diplomacy means delay, and the threshold of preliminaries the ultimate object of the British cabinet.

The nation, may it please your Excellency, are looking with an anxious eye to the federal administration, ready to support them, if they will support the cause of the Country. Let the federal government adopt their measures, let them proclaim to the people their ultimatum, let them call upon the freeholders and the yeomanry of the soil, and the lion-like voice of disloyalty will soften to the sound of the cricket in the wilderness. The strength of this country is Herculean, she slew the serpent in her infancy, and her union has gathered strength with her years. Her patience is at length exhausted ; her vengeance is collecting, her voice is now speaking to the capitol, "*Protect the People.*" Preceding the Revolution, a far less worthy principle than a question of Man-Stealing, in its consequences, severed these States from *Britain*. If government once contended seven years for a free principle, shall fathers, sons, husbands and brothers, at this day, call in vain on their country from their disgraceful bondage ? If to scourge a citizen, a Roman Senate once thought it a just cause of war, shall the groans

of thousands of our citizens which pervade our ears with every Atlantic wind that blows, be heard in silence? Surely a nation which has but just arrived to half the age of man, will not, while one drop of blood animates her frame, surrender all her rights, one by one, to a power, now become the Buccanier of the ocean.

Under these circumstances, the House of Representatives reciprocate your Excellency's sentiment, that the present is the moment, when shades of difference in politics ought to mingle in union, and one common glow of patriotism ought to warm every bosom, that all our enemies may be assured, there is no essential difference between a federal republican, and a republican federalist.

The internal resources, the local situation, the variety of fertile soils of the United States, render this country entirely independent of foreign nations. Our agriculture and manufactories, can easily supply all our wants; but the frequent destruction of our manufactories by fire, render it probable, that incendiary attempts are part of the system of those who suffer most, by the flourishing state of our domestic manufactures.

The Militia, the great bulwark of the land, will ever claim the particular attention of the House of Representatives. *Spain* and *Portugal*, evince how much a country may be indebted to her patriotic militia; while *Prussia*, relying solely on her immense standing army, lost her sovereignty in a day. Perhaps it may be an act of justice to make some provision for those, whose large families and narrow circumstances render their military duty a peculiar burden.

Your Excellency's communication on the project of a great canal by our sister State of *New York*, has been received with that liberality of feeling towards its success, which ought to characterize the Commonwealth of *Massachusetts*.

The various institutions of the Commonwealth, both of practical use, and novel experiment, contemplated projects of general utility, particularly those embracing for their object an extension of the arts and sciences, those great first principles of manufactures and new inventions: all new attempts to extend social intercourse, and excite the humane mind to a laudable emulation, will ever receive the fostering care of the Legislature.

The House of Representatives hear with surprise and deep concern the wanton attack on your Excellency's domestic repose, an act of outrage unexpected in this country. It was a vain attempt to deter your Excellency from the path of your duty.

As well might the threatening dagger of *Porsenna*, have arrested the course of the Roman commander. With equal regret do they learn, that the great and venerable sage of Quincy, the late President Adams, has been threatened with assassination. It is the peculiar misfortune of this Commonwealth, that the enemies of the United States have, most of them, rendezvoused in this capital and its vicinity.—We assure your Excellency, that any outrage offered to your person, is an attack on our own body.

And now, may it please your Excellency, permit the House of Representatives to reciprocate your fervent prayer that the deliberations of the present Legislature may be under the guidance of an Omnipotent Being.



# RESOLVES.

*January, 1812.*

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## LXX.

*Resolve granting Jacob Kuhn \$500, to pay for fuel.*  
10th January, 1812.

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, to Jacob Kuhn, messenger of the General Court, the sum of five hundred dollars, to enable him to pay for fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council's chamber, the Secretary's and Treasurer's offices; he to be accountable for the expenditure of the same.

## LXXI.

*Resolve respecting the fire at Richmond, expressive of the sorrow of the government and people of Massachusetts.*  
13th January, 1812.

The Members of the Legislature of this Commonwealth deeply affected by the sudden and awful calamity, which has deprived the state of Virginia of its Chief Magistrate, and the city of Richmond of many distinguished inhabitants, by a conflagration, in its effects, unexampled in the history of their country, cannot forbear the expression of the unaffected sorrow and sympathy which they, in common with their constituents, feel on this melancholy occasion. In testimony whereof, it is resolved, that we will wear the usual badge of mourning on the left arm, for the space of twenty days.

*Resolved,* That his Excellency the Governor be requested to transmit a copy of this resolve to the Executive of the state of Virginia, to be communicated, as may be thought proper, to the Legislature of that state, and the afflicted inhabitants of Richmond.

## LXXII.

*Resolve directing the Secretary to examine the state of the papers and records in his office, and report.* 12th February, 1812.

*Resolved*, That the Secretary of this Commonwealth be, and hereby is directed, to examine the state and condition of the public records and state papers, muniments, maps, and documents of every description, now remaining in his office, and that he do report the state and condition thereof, at the first session of the next General Court; and he is hereby further directed to form a correct, proper, and detailed inventory of all such records, state papers, muniments, maps, and documents, and also to report whether any measures are necessary and expedient to preserve the same.

## LXXIII.

*By the Legislature.* 14th January, 1812.

*Ordered*, That the President and Fellows of Harvard College be, and they hereby are requested to cause to be laid before the Legislature of this Commonwealth, as soon as conveniently may be, a true copy of the charter of the College, together with all the laws, by-laws, rules, and regulations which have at any time been made or passed, and are now in force, for the well ordering and governing the said College, its officers, members, or students; and that the said President and Fellows be, and they hereby are also requested to cause a true statement of all the funds, whether real or personal, of that corporation, to be laid before the Legislature, and the manner by which the same were acquired, whether by grants of the government, donation and bequest of individuals, or otherwise; and how the same are secured, and to what uses the same are limited by the said grants or bequests, and how the same have been applied; and also a statement of the funds which are under the management of the Corporation of Harvard College, the rents, issues or profits of which do or may accrue to any description of persons whatsoever, and how the same are applied; and also a statement of the salaries perquisites, and compensation of the President, Professors, Tutors, and other officers of said College, and from what funds the same are severally paid; and that the Secretary be directed to serve the President and Fellows of that Corporation with a copy of this order; and also that an account of the ex-

penses which may be incurred by said corporation, in compliance with this request, be laid before the Committee on Accounts for their allowance, and that the same be paid out of the treasury of this Commonwealth.

*His Excellency the Governor's Message to both Houses.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

The Secretary is directed to lay before you the documents which relate to my communications on the 10th instant, and which are classed according to their respective numbers.

- No. 1 Contains the printed copy of the President's message to Congress, and
- 2 The documents which accompanied it.
- 3 An attested copy of the proceedings of the Board of Visitors of the General Hospital.
- 4, 5, 6, 7 Contain the periodical report of the Adjutant General.
- 8, 9, 10, 11 The letters from New-York, the law on which they are founded, and the map of the route of the Canal for opening a navigation between the great Lakes and Hudson's river.
- 12, 13 The Treasurer's annual account, and
- 14, 15 The Quarter Master General's report, both to the first of the present month.

Amongst the subjects which were referred to in this message, are

- 16, 17 A circular letter from the national Secretary of State, dated the 27th of December last, and "An act for the apportionment of Representatives among the several states, according to the third enumeration."
- 18 The report of the Hon. John Welles and other gentlemen, commissioners, who were appointed at the last session "to examine, liquidate, adjust, and settle the accounts of Thomas Harris, Esq. late treasurer of the Commonwealth, and to perform other duties; and who were directed to make their report at the present session of the General Court.
- 19 A letter of resignation of the Hon. David Tilden, and of James Prince and Amasa Stetson, Esquires, as Directors on the behalf of the state, at the Boston Bank.

No. 20, 21 A letter of the 18th of November last, from Mr. Samuel Swett, of Boston, an executor of the will of Madam Esther Sprague, with an attested extract of her will, committing to her executor, in special trust, \$4000, for the use of an hospital, if established within three years after her decease.

22 The proceedings of the state of New Jersey of the 24th of October, 1810, disapproving of the amendments of the constitution of the United States, proposed by the states of Massachusetts, Pennsylvania, and Virginia.

23, 24 Those of Tennessee of the 21st November, 1811, disapproving in like manner of the same proposed amendments.

25 The proceedings of New Jersey of the 13th of February, 1811, for ratifying an amendment to the Federal Constitution, proposed by Congress, for preventing titles of nobility and honour, and also emoluments to the citizens of the United States from foreign potentates and powers.

26 Those of Pennsylvania of the 27th of February, 1811.

27 Of Maryland of the 25th of December, 1810.

28 Of Vermont of October, 1811.

29, 30 Of Kentucky of the 29th of January, 1811. Of Tennessee, in numbers 23 and 24, of the 21st of November, 1811.

31 And of Ohio of the 31st January, 1811, all for the same purpose of ratification.

32, 33, 34, 35, 36 Several Letters received from a respectable citizen of this Commonwealth, and a revolutionary officer, Col. Joseph Ward, on his claim for the redemption of bills of credit, formerly known by the name of bills of the new emission. This

application, which manifests a deep sense of injury, should have been made, in the first instance, to the House of Representatives of this Commonwealth, the grand inquest of the state, to redress private as well as public grievances; and having the utmost reliance on their wisdom, justice, disinterested and correct conduct, the subject, I conceive, requires no comments.

The act of the last session, "providing for the appointment of clerks of the Judicial Courts in the several counties, and for other purposes," authorized the appointment of one clerk in each county of this Commonwealth, but it having been found that in the county of Suffolk two clerks have been requisite,



the incumbents have been continued in office until the sense of the Legislature can be ascertained on this point.

E. GERRY.

*Council Chamber, 14th January, 1812.*

#### LXXIV.

*Resolve on the petition of Ephraim Willard, directing the Treasurer to issue a new note. 16th January, 1812.*

On the petition of Ephraim Willard, stating that on the twenty-ninth day of May last he lost a state note, No. 475, dated August 30, 1810, for the sum of five hundred and nine dollars, and eighty-eight cents, the property of the town of Charlton, and praying that the same may be renewed.

*Resolved*, That the treasurer of this Commonwealth be, and he hereby is directed to issue a new note for the same sum, and of the same number and date, and bearing the same rate of interest, to the said town of Charlton; the said petitioner first giving bond to the satisfaction of said treasurer, conditioned to indemnify the Commonwealth from all demands which may hereafter arise on account of the note lost as aforesaid.

#### LXXV.

*Resolve appointing a Committee to collect and cause to be printed the charters and general laws of the late Colony and Province of Massachusetts Bay. 16th January, 1812.*

*Resolved*, That the Hon. Nathan Dane, William Prescott, and Joseph Story, Esquires, be a committee, at the expense of the Commonwealth, to collect the charters and the public and general laws of the late Colony and Province of Massachusetts Bay, and that the said committee be, and they are hereby authorized, when the same laws and charters shall be collected as aforesaid, to cause five hundred copies thereof to be printed, at the expense of, and for the use of this Commonwealth, in a volume of the royal octavo size, with suitable title pages, running titles, and analytical indices: and the said committee are hereby further authorized to add, in an appendix, any other documents or laws which they may deem proper to explain the jurisprudence of this Commonwealth; and that the said committee be required to proceed, as soon as conveniently may be, in the execution of the purposes of this resolve.

*And be it further resolved*, That the said committee, after they shall have collected and examined the same laws, report to the Legislature such laws as are not repealed, and which, in their opinions, require to be repealed.

## LXXVI.

*Resolve directing the manner in which the Laws and Resolves shall be printed in future.* 16th January, 1812.

*Resolved*, That the Laws of the Commonwealth which shall hereafter be passed, at the several sessions of the General Court, shall be printed in volumes of the royal octavo size ; each volume to contain not less than seven hundred pages, and to have suitable title pages and analytical indices, and that the laws passed from the beginning of the May session of one year to the beginning of the May session of the next succeeding year, shall be divided into chapters, and shall be printed together in the same volume ; and until a volume of the laws shall from time to time be formed as aforesaid, temporary title pages and indices shall be added to the laws which shall be printed from session to session of the General Court.

*And be it further resolved*, That the Resolves which shall be hereafter passed by the General Court, shall be printed in volumes of the same size, in the same manner, and with suitable title pages, running titles and indices.

*And be it further resolved*, That it shall be the special duty of the Secretary of the Commonwealth, to superintend the publication and printing of the laws and resolves of the General Court, as the same shall be passed at the respective sessions thereof, and to examine and compare the printed copies of such laws and resolves with the originals, and to print, and annex to the printed copies his certificate of such examination, and of the errors, if any, in such printed copies, to the end, that the laws and resolves of the Commonwealth may be duly and accurately promulgated.

*And be it further resolved*, That this resolve shall be prefixed to the printed copies of the laws which may be passed at the present session of the General Court, and shall also be prefixed to the next volume of the laws of the Commonwealth, which shall be printed in pursuance of this resolve.

*And be it further resolved*, That the laws which shall be passed at the present session of the Legislature, shall constitute a part of the fifth volume of the laws, and shall be paged, indexed, and divided into chapters accordingly.

*The following Message was received from the Governor, on the subject of the State Prison.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

THE report of the Directors of the State Prison, which was unavoidably delayed by the time required to carry into effect their new system, remarkable for its order, precision and rules of economy, will, I conceive, evince the fidelity, abilities and exertions of those officers and of the Warden, and be pleasing to the Legislature.

The arrangements of the fourteenth, fifteenth and sixteenth new divisions, are completed and numbered 39, 40, 41; others are in contemplation. In addition to the appointments of Major Generals requisite for those divisions, a vacancy exists by the acceptance of the resignation of Elias H. Derby, Esq. the late Major General of the second division.

In the county of Somerset, Ithamar Spaulding, Esq. of Norridgewock, has been appointed and commissioned Chief Justice of the Court of Sessions. A gentleman, who had mistaken him for another person, had given misinformation to the Executive on this subject;—this circumstance was immediately communicated to Mr. Spaulding, with a request that he would return the commission;—but he has neglected to do it, and being considered by the Executive, as an improper person to fill that office, has rendered necessary this information.

There are also two officers, Lieut. Petty Vaughan, and Ensign William Emmons, of Hallowell, being in the 13th division of the militia; the return of whose elections was forwarded without a protest, which had been promptly made against them, and which contained facts, that in my mind, annulled the elections. They were apprized of this, and although requested, have refused to return their commissions. The letter which the Adjutant General addressed to them by my direction, their answer, and other documents relating to the subject, are numbered 42, 43, 44, 45. On these matters, I shall await the decision of the Legislature.

E. GERRY.

*Council Chamber, 18th January, 1812.*

## LXXVII.

*Resolve granting to the Attorney and Solicitor Generals, \$800 each, in addition to their salaries. 21st January, 1812.*

*Resolved*, That there be allowed and paid out of the public treasury, to Perez Morton Esq. Attorney General, and to Daniel Davis Esq. Solicitor General, the sum of eight hundred dollars each, in addition to their salary established by law which shall be in full for their services, and salary, to the first day of March, 1812.

## LXXVIII.

*Resolve correcting a mistake in resolve of 26th June last, on the petition of Eldad Parsons and Joseph Bridgman jun. 21st January, 1812.*

Whereas at the last session of the General Court, viz. on the 26th day of June last, a resolve was passed on the petition of Eldad Parsons and Joseph Bridgman jun. of Belchertown, praying compensation for certain services therein mentioned, but in said resolve the name of Elijah Bridgman jun. is inserted by mistake instead of Joseph Bridgman jun. one of said petitioners. Therefore,

*Resolved*, That the said resolve, passed on the 26th day of June last, shall be considered and have the same effect as if the name of Joseph Bridgman jun. had been therein inserted instead of the name of Elijah Bridgman jun.

## LXXIX.

*Resolve establishing the pay of the Council and Legislature. 21st January, 1812.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the Council, Senate and House of Representatives, two dollars per day, for each day's attendance the present session; and the like sum of two dollars for every ten miles travel, from their respective places of abode, to the place of the setting of the General Court.

*And be it further resolved*, That there be paid to the President of the Senate, and Speaker of the House of Representatives, two dollars per day, for each and every day's attendance, over and above their pay as members.

## LXXX.

*Resolve for paying Hon. Joseph Story, late Speaker of the House of Representatives. 21st January, 1812.*

*Resolved*, That there be allowed and paid from the public treasury, to the Hon. Joseph Story Esq. the sum of twenty dollars, being in full for his services as Speaker of the House of Representatives, in addition to his pay as a member of this House, during the present session; and that his Excellency be authorized and requested to draw his warrant on the Treasurer accordingly.

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

It being officially announced that the Indians complain, "they cannot receive the usual supplies of goods, by reason of the non-importation act, and that they are not to be purchased within the United States." I submit to your consideration, whether it is not incumbent on this State, to use the means in its power, for enabling the national government to rise superior to such an humiliating circumstance.

In the year 1775, when our war with Great Britain commenced, and when immediately preceding it, an non-importation act had been strictly carried into effect, the State of Massachusetts, apportioned on their towns respectively to be manufactured by them, the articles of clothing, wanted for their proportion of the army, which besieged Boston, fixed the prices and qualities of those articles, and they were duly supplied within a short period. Thus, before we had arrived at the threshold of independence, and when we were in an exhausted state, by the antecedent, voluntary and patriotic sacrifice of our commerce, between thirteen and fourteen thousand cloth coats were manufactured, made and delivered into our magazine, within a few months from the date of the resolve which first communicated the requisition.

Thirty-six years have since elapsed, during twenty-nine of which we have enjoyed peace and prosperity, and have encreased in numbers, manufactures, wealth and resources, beyond the most sanguine expectations.

All branches of this government have declared their opinion, and I conceive on the most solid principles, that as a nation we are independent of every other, for the necessities, conveniences and for many of the luxuries of life. Let us not then at this

critical period, admit any obstruction which we have power to remove, to discourage or retard the national exertions for asserting and maintaining our rights, and above all, let us convince Great Britain, that we can, and will be independent of her, for every article of commerce, whilst she continues to be the ostensible friend, but implacable foe of our prosperity, government, union and independence.

By calling on the inhabitants of this State, and offering them reasonable prices, there exists no doubt, in my mind, of our ability to supply every article of clothing, which may be wanted for our proportion of troops, that may be required to carry on a defensive or most vigorous offensive war, and at the same time every article wanted for the Indians.

But if this should appear in any degree a doubtful point, cannot the wealthy and manufacturing States of Massachusetts, New York and Pennsylvania, and those north of the latter, effect that object?

The question requires not a moment to give a prompt and affirmative answer; the Legislature then, having a thorough knowledge of the resources of this Commonwealth, of her ability and her disposition to draw them forth on such an important occasion, leave nothing necessary to be added on this subject.

E. GERRY.

*Council Chamber, 21st January, 1812.*

## LXXXI.

*Resolve directing the Treasurer respecting his charging the towns for Representatives' pay, the last session, above twenty days. 23d January, 1812.*

*Resolved, That the Treasurer be directed in charging to each town the pay of their Representatives, for the last session, over and above the first twenty days, as provided for by a resolve passed the last session, reference should be had to their attendance individually from each town, and not collectively.*

## LXXXII.

*Resolve appropriating \$1200, to meet the current expenses of the Commissioners appointed to determine the claims of certain claimants to lands, in the county of Lincoln. 24th January, 1812.*

On the petition of the Attorney General, praying that an appropriation may be made to meet the expenses of the Commissioners appointed under the resolve of the Legislature, passed June 20th, A. D. 1811, and their Clerk, and of the Attorney General, and other incidental expenses accruing on that commission.

*Resolved*, That there be, and hereby is appropriated and set apart, the sum of twelve hundred dollars, for the purpose of meeting the current expenses of the commissioners, appointed under the resolve of the Legislature, passed June 20th, A.D. 1811, and their Clerk and those of the Attorney General, to be paid out of any monies in the treasury, not otherwise appropriated; and his Excellency the Governor is hereby authorized and requested to draw his warrant or warrants on the Treasurer for the payment of any such sums, within the appropriation aforesaid, as he in his discretion shall think adequate and sufficient to meet the expenses aforesaid.

## LXXXIII.

*Resolve granting William Donnison Esq. \$700, for his services, &c. as Adjutant General, to 1st January, 1812. 24th January, 1812.*

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to William Donnison Esq. the sum of seven hundred dollars, in full compensation for his services as Adjutant General, and for office rent, and Clerk hire in his said office, to the first day of January current.

## LXXXIV.

*Resolve on the representation of John C. Williams, authorizing him to pay monies for the support of Esther Gardiner. 28th January, 1812.*

On the memorial of John C. Williams, of Pittsfield, in the county of Berkshire, administrator on the estate of Benedict Sheldon, a natural son of Esther Sheldon, alias Esther Gardiner, of late years a resident at Deerfield, in the county of Franklin, praying that the said administrator may be authorized to pay over to the support of said Esther, a sum of money (a residuum of the estate of said Benedict, after payment of his just debts and funeral charges), which would otherwise escheat to the treasury of this Commonwealth.

*Resolved*, That, for reasons set forth in said memorial, the said John C. Williams be, and he hereby is authorized and required, from time to time, to pay over to the overseers of the poor of said town of Deerfield, yearly, such sums of money out of said surplus that may remain in his hands, of the estate of said Benedict, as may be necessary in the opinion of said overseers, to aid in the support of the said Esther, in her sickness and old age. *Provided however*, That should she decease before the whole sum may be prudentially expended, the said administrator shall be holden to pay the residue or balance remaining in his hands into the treasury of this Commonwealth.

## LXXXV.

*Resolve for paying the roll of the committee on the State valuation. 28th January, 1812.*

Pay Roll of the Committee on the State valuation, for their travel and attendance, on that business from Wednesday the 6th day of November, 1811, to 7th January, 1812.

	No. of miles travel.	Amount of travel.	Days at- tendance.	Amount of attendance.	Total travel & attend.
John Woodman,	120	\$24	66	\$198	\$222
Nathan Willis,	50	10	54	162	172
William King,	165	33	14	42	75
James Means,	130	26	54	162	188
Francis Carr,	300	60	61	183	243
John L. Tuttle,	20	4	59	177	181
Samuel Day,	30	6	56	168	174



	<i>No. of miles travel.</i>	<i>Amount of travel.</i>	<i>Days at- tendance.</i>	<i>Amount of attendance.</i>	<i>Total of travel &amp; attend.</i>
Walter Folger jun.	135	27	66	198	225
Silas Holman,	35	7	62	186	193
Joshua Green,	90	18	44	132	150
Thomas Stephens,	25	5	60	180	185
James Robinson,			56	168	168
Benjamin Weld,			48	144	144
Charles Davis,			55	165	165
Samuel Dunn,			57	171	171
Joseph E. Sprague,					
Nathaniel Wade,	35	7	64	192	199
Stephen Howard,	45	9	64	192	201
Joshua Chandler,	30	6	59	177	183
Nathan Chandler,	15	3	63	189	192
Jacob Reeves,	20	4	63	189	193
John Kettell,			57	171	171
Daniel Varnum,	30	6	63	189	195
Daniel Mitchel,	30	6	62	186	192
Abner Brownell,	70	14	58	174	188
Elkanah French,	45	9	58	174	183
John Dillingham,	90	18	66	198	216
Samuel Wheldon,	100	20	66	198	218
William Brewer,			21	63	63
Thomas Hale,	70	14	66	198	212
Nathan Fisher,	35	7	54	162	169
Hutchins Hapgood,	70	14	52	156	170
Jonas Sibley,	45	9	54	162	171
Jonathan Brewster,	120	24	54	162	186
Jonathan Smith,	100	20	64	192	212
Samuel Porter,	100	20	59	177	197
Hezekiah Newcomb,	115	23	56	168	191
Benjamin Wheeler,	145	29	66	198	227
Samuel H. Wheeler,	140	28	45	135	163
William Hobbs,	90	18	66	198	216
Joseph E. Foxcroft,					
Enoch Preble,	130	26	66	198	224
Mark L. Hill,	175	35	58	174	209
Farnham Hall,					
Eleazer W Ripley,					
George Crosby,	185	37	60	180	217
John Hovey,	200	40	66	198	238
Elias Stowell,	180	36	66	198	234
John M. Millan,					

	<i>No. of miles travel.</i>	<i>Amount of travel.</i>	<i>Days at- tendance.</i>	<i>Amount of attendance.</i>	<i>Total travel &amp; attend.</i>
William Vinal,	250	50	43	129	179
Oliver Shead,			4	12	12
Total,					\$8477

The Committee of both Houses who have had under consideration, the compensation to be allowed and paid to the members of the valuation Committee, submit the following :

JOHN HOWE, *per order.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons, members of the Committee of valuation, named in the foregoing roll, the several sums therein annexed to their respective names, in full compensation for their travel and attendance as members of said Committee ; and his Excellency the Governor is hereby requested to draw his warrant on the treasury for the payment of said sums accordingly.

#### LXXXVI.

*Resolve on the petition of Robert Green, directing his discharge from Worcester gaol. 28th January, 1812.*

On the petition of Robert Green, of Petersham, in the county of Worcester, praying to be discharged from a judgment in favour of the Commonwealth, and a warrant of distress which issued thereon, by which the said Robert is now imprisoned in the common gaol in the town of Worcester.

*Resolved*, for reasons set forth in the said petition, That the said Robert Green be, and he hereby is discharged and fully released from the said judgment and warrant of distress, and that the Sheriff of the county of Worcester be, and he hereby is authorized and empowered to discharge the said Robert Green from his imprisonment on the said warrant of distress. *Provided however*, That the Commonwealth shall not be subjected to any cost or expense which may have accrued for the support of said Robert during his confinement thereon.

## LXXXVII.

*Resolve on the petition of Joseph Blake, authorizing the Judge of Probate, for the County of Suffolk, to appoint Commissioners to examine his claim against the estate of George Domet.*  
3d February, 1812.

On the petition of Joseph Blake, praying that the Judge of Probate, for the county of Suffolk, may be authorized and empowered to appoint commissioners to receive and examine his claim against the estate of George Domet, late of Boston, in said county, deceased, which has been rendered insolvent; and setting forth that since the distribution of said estate among the creditors of said deceased, certain assets have come into the hands and possession of his executors, which they are ready to distribute as the said Judge of Probate may decree.

*Resolved*, for the reasons set forth in said petition, That the said Judge of Probate, for the county of Suffolk, be, and he hereby is authorized and empowered to appoint commissioners to receive and examine the said claim, and any other claim against the estate of said Domet which may be presented to them for allowance; and that the said Judge of Probate be further authorized and empowered to order and decree, that such sum of money or other estate as may be remaining in the hands of said executors, shall be distributed in rateable proportion among the creditors of said deceased who have already proved their claims, or whose claims may be hereafter allowed; and that the said executors be, and they hereby are empowered and directed to distribute the same accordingly. *Provided however*, That in case the claim of said Blake shall be wholly rejected by the said commissioners, he shall be chargeable with all the expense which may accrue in the appointment of said commissioners, and in their proceedings under the said commission.

## LXXXVIII.

*Resolve on the petition of John Wait, making valid certain affidavits.* 3d February, 1812.

On the petition of John Wait, of Boston, in the county of Suffolk, merchant, administrator of the estate of Simon Holt, late of Medford, in the county of Middlesex, blacksmith, deceased, intestate, praying that the affidavits hereinafter men-

tioned, to wit, the affidavit by him the said administrator, made in the Probate Court in and for said county of Middlesex, on the fourteenth day of December, A. D. 1810, of his proceedings relating to the sale of the whole of the real estate of said deceased, except a pew in Medford meeting-house, and to the sale of the said intestate's widow's dower, which said John Wait states that he had purchased of said widow, previous to said sale thereof, and now recorded with a copy of each of the notifications of the time and place of said sales, in the registry of Probate in and for said county of Middlesex; and the affidavit of Richard Skinner, of said Boston, by him made in said Probate Court, on said fourteenth day of said December, relating to his posting, at the request of said administrator, said notifications, as the law requires, and now recorded in said registry, may be valid, and have the same force and effect in law, as if the same had been made within seven months after the day of said sales, as the law requires.

*Resolved*, That the prayer of said petition be granted, and that said affidavits, made and recorded as above mentioned, shall be valid, and have the same force and effect in law, as if the same had been made in said Probate Court, and recorded in said registry within seven months after the day of said sales, any law, usage, or custom to the contrary notwithstanding.

### LXXXIX.

*Resolve on the petition of Thomas Allen and others.* 3d February, 1812.

Whereas Henry Howard, late of Hinsdale, in the county of Berkshire, deceased, Solomon Williams Colt, and Obadiah Smith, both of said Hinsdale, in March 1805, purchased of Mark Hopkins, Nathaniel Hedges, and John Russell, a certain tract of land lying near Merriman's mills, in said Hinsdale, and bounded as follows, viz. beginning at a large rock, near the middle of the river, below the dam of the oil mill, erected by said deceased, which rock, in part, supports the foot bridge across the river by said oil mill; thence running easterly parallel with the north end of the woolen factory standing on the premises, to a line running six feet from the front of said factory, and parallel therewith; thence south on the last mentioned line, to a line running easterly and westerly, one rod from the south end of the old part of said factory, and parallel therewith; thence westerly on the last mentioned line to the centre

of the river ; thence in a direct line to the place of beginning, together with the said factory, standing on the premises, and all other, the appurtenances and privileges thereto belonging, which said premises were improved by said Henry, Obadiah, and Solomon, as tenants in common, till the decease of said Henry, and the purchase money paid in equal shares by them ; and the heirs and representatives of said Henry, since his decease, have improved one undivided third part only of said premises, as tenants in common with said Solomon and Obadiah ; and whereas, since the decease of said Henry, it has been discovered that the said Hopkins, Hedges, and Russell, in making the conveyance of the premises aforesaid, instead of conveying the same to the said Henry, Solomon and Obadiah, conveyed the same to the said Henry, solely, which conveyance is supposed to have been through the mistake and inattention of said deceased. And whereas, Thomas Allen of Hinsdale aforesaid, administrator on the estate of said Henry, deceased, in behalf of himself and his wife Phœbe, who was lately the widow of said Henry, and the said Solomon W. Colt, and Obadiah Smith, and Samuel W. Colt, the guardian of the minor children, and only heirs at law of said Henry, deceased, have petitioned the Legislature that said Allen may be authorized to convey to the said Solomon and Obadiah each, one undivided third part of the premises aforesaid. Therefore,

*Resolved*, That the said Thomas Allen be, and he hereby is authorized, by deed or deeds, duly acknowledged and recorded, to convey to the said Solomon W. Colt and Obadiah Smith each, one undivided third part of the premises aforesaid, in fee, and that said deed so made as aforesaid, shall be as good and valid to all intents and purposes, as though the same had been made by the said Henry in his life time.

## XC.

*Resolve on the petition of Thomas Belighter, discharging him from fine and costs.* 3d February, 1812.

On the petition of Thomas Belighter, stating that at the Supreme Judicial Court, holden at Castine, in the county of Hancock, and for the counties of Hancock and Washington, in June 1811, he was fined by said court twenty dollars, and ordered to pay the costs of the prosecution against him, taxed at two hundred dollars and seventy-four cents, and to suffer two months imprisonment ; that he has been confined in gaol more

than four months, is very poor, and wholly unable to pay any part of the fine or costs aforesaid, and that there will be no court holden in said county, authorized by law to discharge him from his imprisonment till June next, and praying to be discharged from the payment of said fine and costs. Therefore,

*Resolved*, For reasons set forth in said petition, That the said Thomas Belighter be, and he hereby is released and discharged from the payment of said fine and costs, and the Sheriff of the county of Washington is hereby authorized to discharge the said Thomas from his said imprisonment.

## XCI.

*Resolve on the petition of Peter Coburn jun. making valid his doings under an order of the Supreme Judicial Court.*

3d February, 1812.

On the petition of Peter Coburn jun. of Dracut, in the county of Middlesex, guardian of all the children of Thomas M'Dole, late of said Dracut, deceased, stating, that at the Supreme Judicial Court holden at Concord, within and for the county of Middlesex, on the second Tuesday of April, A. D. 1798, he was authorized by said court to make sale of all the real estate of said deceased; and by the order of said court was directed to appropriate two hundred and ninety-nine dollars and six cents, of the proceeds, to the payment of the debts of said deceased, and the remainder to be disposed of according to law, for the use of said minors; and that, pursuant to said order, he made sale of said real estate, and accounted for the proceeds thereof accordingly; and that doubts have arisen whether the order of said court was authorized by law, and praying that his doings under said order may be legalized. Therefore,

*Resolved*, for reasons set forth in said petition, That the doings of said Peter, under said order, so far as the same have conformed thereto, be, and they hereby are confirmed, and shall be considered as valid in law, as though said court were by law authorized to grant said order.

## XCII.

*Resolve on the petition of Nathan Dudley, making valid an affidavit.* 3d February, 1812.

On the petition of Nathan Dudley, of Lexington, in the county of Middlesex, innholder, and Hannah his wife, alleging that said Hannah, formerly, before her intermarriage with the said Nathan Dudley, to wit, on the fourteenth day of October, A.D. 1801, was Hannah Lane, of Bedford, in said county, widow; that the said Hannah, from the said fourteenth day of October until the time of her said intermarriage, was administratrix on the estate of her then late husband, Luke Lane, then late of said Bedford, yeoman, deceased, intestate; and that said Nathan Dudley and Hannah his said wife are now administrators on the estate of said deceased, in right of the said Hannah, and praying that the affidavit made by said Hannah, at the request of said Nathan Dudley, in the Probate Court in and for said county of Middlesex, on the eighteenth day of January, A. D. 1812, of said Hannah's proceedings in her said capacity of administratrix, while she was the widow of said intestate, relating to the sale of so much of said deceased's real estate, as raised the sum of three hundred and eighty dollars, and now at the request of the said Nathan Dudley and the said Hannah, recorded with a copy of each of the notifications of the time and place of said sale, in the registry of Probate, in and for said county of Middlesex, may be valid, and have the same force and effect in law as if the same had been made by the said Hannah while she was the widow of said intestate, and within seven months after the day of said sale, as the law requires.

*Resolved*, That the prayer of said petition be granted, and that said affidavit, made and recorded as above mentioned, shall be valid, and have the same force and effect in law as if the same had been made by said Hannah, while she was the widow of said deceased, in said Probate Court, and recorded in said registry within seven months after the day of said sale, any law, usage, or custom to the contrary notwithstanding.

*Message of his Excellency the Governor to both Houses of the Legislature.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

I have received from Tench Coxe Esq. of Philadelphia, an unofficial letter of the 29th January last, that with the docu-

ments accompanying it, numbered from 1 to 4, contain information respecting our resources for woollen manufactures, and our means for increasing them very extensively, which requires publicity and demands a serious attention.

Mr. Coxe is purveyor of the United States, is the celebrated author of a pamphlet in answer to "Observations on the Commerce of the American States, by John Lord Sheffield, published in 1788, and has established his statements herein referred to by the testimony of Mr. Arthur Young, John L. Sheffield, Sir John Sinclair, and other English writers, on political economy," of the first reputation.

It will appear by the letter referred to, that Mr. Coxe estimates "the quantity of sheep's wool sheered within the United States, in the year 1811, to be thirteen millions of pounds, that one twenty-seventh part of that quantity," being "less than half a million pounds of wool, will make all the clothing and hospital furniture, annually requisite for one hundred thousand men," and "that the Indian supply" is "within the compass of our ability."

Mr. Coxe states, that his commercial "opportunities, and his official duties, have long convinced him that our country has sustained great inconveniences from the want of some regular system to draw her resources *into view*;" and this is so manifest, as to invite the attention of the Legislature to prompt and effectual measures for ascertaining, by regular and annual returns, the raw materials and manufactures of every kind, in each town and district of this Commonwealth; and for corresponding with our sister states, and with the national government, on this subject, and on the best means for improving the immense advantages conferred on us by Divine Providence. Mr. Coxe differs in some degree from the Secretary of the Treasury, and states that, the calculation of the latter "produced a result of twelve millions of pounds of wool, but it was predicated on facts between July and December, 1810, and his own was of a date one year later, and was considered as a close concurrence."

The pamphlet No. 4, "quotes Mr. Arthur Young's *report*, stating that *Lincolnshire* (in England) which contains" not more than "one fifteenth part of the land in Pennsylvania, or in New-York, or one tenth of South Carolina, or one twelfth of North Carolina, has two millions four hundred thousand sheep, of two *heavy fleeced* breeds, producing twenty-one millions, six hundred and ten thousand pounds of wool, which sells at a sixth of a dollar, and is worth three millions six hun-



dred thousand dollars a year. In the whole of the counties of England it is computed that nearly twenty-nine millions of sheep are maintained. These produce (at five pounds coarse and fine, on an average, per head) one hundred and forty-five millions of pounds weight of wool. The whole value is nearly thirty millions of dollars to England alone for her unmanufactured wool, though her quantity of land is not more than half the joint contents of New-York and Pennsylvania, and is far less than half the lands of Virginia, or of New England, or of Ohio, or of Georgia, or of Mississippi Territory. Though so vast a quantity of wool was produced in England in 1809, yet Scotland and Ireland each produced much wool, and six millions of pounds of fine wool were imported into Britain from Spain. The British manufactures of wool were computed at one hundred and thirteen millions six hundred thousand dollars," of which one third was exported. These documents containing very useful propositions and information, or such parts of them as may be beneficial to the public, may be printed and dispersed throughout the Commonwealth at a small expense, and will produce powerful exertions to increase our number of sheep, our manufactures of wool and of other articles, and to burst those cords which have long confined us, as slaves, to the manufacturers of Great Britain.

Our sister state of North Carolina, having confirmed the proposition of Congress for amending the constitution of the United States, to prevent our citizens from accepting and retaining titles of nobility or honour, pensions, &c. from any foreign power, has transmitted her ratification of the amendment, numbered 5.

The Solicitor General has confirmed the information which I formerly communicated to the Legislature, in regard to the demand of the Commonwealth against Barnabas Bidwell Esq. by a letter of the 22d of January last, No. 6. By this it will appear, that the close attention paid by that officer to this subject, will prevent any public loss by the absconding of Mr. Bidwell.

Copies of the letter which, at the request of the Legislature, I addressed to the Governor of Virginia, and of his answer, are numbered 7 and 8, on the melancholy subject of Richmond.

E. GERRY.

*Council Chamber, 4th February, 1812.*

## XCIII.

*Resolve granting \$75, to Major General George Ulmer, for the loss of a horse. 5th February, 1812.*

On the petition of George Ulmer Esq. Major General of the tenth division of the militia of this Commonwealth, praying for compensation, for the loss of his horse, while on duty in reviewing, inspecting and instructing the troops under his command.

*Resolved,* For reasons set forth in said petition, That there be allowed and paid to the said George Ulmer Esq. the sum of seventy-five dollars, in full compensation for the said loss.

## XCIV.

*Resolve appropriating \$6000, for the State Prison. 5th February, 1812.*

*Resolved,* That his Excellency the Governor, by and with the advice and consent of the Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth, in favour of the Warden of the State Prison, for such sums and at such periods, as may be deemed expedient by the Governor and Council, not exceeding six thousand dollars, to enable said Warden to fulfil his contracts and defray the necessary expenses of said prison, he to be accountable for the same.

## XCV.

*Resolve authorizing John L. Sullivan to execute a deed to Hezekiah Stratton. 6th February, 1812.*

On the petition of John L. Sullivan, of Boston, in the county of Suffolk, Esq. administrator of the goods and estate of William Bant Sullivan, lately of Boston aforesaid, deceased.

*Resolved,* That the said John L. Sullivan, for reasons set forth in said petition, be, and he hereby is authorized and empowered, to make and execute to Hezekiah Stratton, of Northfield, in the county of Franklin, yeoman, a deed conveying all the right and title, which the said William Bant Sullivan had in a piece or parcel of land, situated in said Northfield, and formerly the property of one Devonshire and one Reeve,

of Bristol in England, deceased, but now in the possession of the said Hezekiah Stratton, and bounded as follows, to wit: north by land of Levi Merriman, east by Meadow Hill (so called), south by land of the said Merriman, and west by Connecticut river, containing twenty-two acres, more or less, upon payment being made, by said Stratton, of all money due on the contract in said petition mentioned, to be accounted for by said Sullivan, according to law.—And such deed so made, by the said John L. Sullivan, in the capacity of administrator as aforesaid, shall pass the same estate and have the same effect in law, as if the same had been made by the said William Bant Sullivan, before his death, in pursuance of the contract by him made as aforesaid.

### XCVI.

*Resolve discharging the town of Waterborough from a fine.*  
6th February, 1812.

On the petition of the inhabitants of the town of Waterborough, in the county of York, by their agent.

*Resolved*, for reasons set forth in said petition: That the inhabitants of the town of Waterborough be discharged from paying a fine of one hundred dollars, awarded by the Supreme Judicial Court, holden at Alfred, in said county, on the last Tuesday of October 1811, on account of bad roads, on condition that the said sum of one hundred dollars be faithfully expended, on the road leading from Alfred line, through Waterborough, to Phillipsburg line, by the first day of August next, under the direction of the Selectmen of said town, in addition to the sum that is usually raised by said town for the repairs of highways the ensuing year, the said inhabitants producing satisfactory evidence of such expenditure to the Supreme Judicial Court, next to be holden at Alfred, within said county, and paying costs of said prosecution.

### XCVII.

*Resolve on the petition of William Cooley, authorizing the guardians of the heirs of Zadock Cooley, to convey certain land.*  
6th February, 1812.

On the petition of William Cooley jun. of Granville, in the county of Hampshire.

*Resolved*, That Michael Cooley and Elihu Cooley, both of said Granville, guardians to all the heirs of Zadock Cooley, late of Granville aforesaid, deceased, be, and they hereby are authorized to convey by deed to William Cooley jun. aforesaid, so much of that farm of said Zadock, deceased, which said Zadock bought of Joseph Moors, late of said Granville, and from the east side thereof, as would make his, the said William Cooley jun.'s, north and south line strait with the other part of his, said William's, farm, containing twenty-eight acres of land, be the same more or less, agreeably to a memorandum in writing made by the said Zadock Cooley, deceased, on the 20th day of February 1808, and referred to in the aforesaid petition.

### XCVIII.

*Resolve empowering Nathan White and Sally Ward, to reconvey certain estate to Asa Ward. 7th February, 1812.*

On the petition of Nathan White and Sally Ward, in their capacity as administrators of the estate of Asa Ward jun. late of Worcester, in the county of Worcester, deceased, and the said Nathan White, as guardian of Sally Ward, Eunice Ward, and William Ward, children of the said Asa Ward jun. deceased, setting forth that the said Asa Ward jun. in his life time, purchased of his father Asa Ward, a certain farm in the said town of Worcester, which at the time of the purchase, he mortgaged to his father, to secure the payment of twelve hundred dollars, and for the support of his said father and his wife, during their natural lives; and further setting forth, that in consequence of the sudden death of the said Asa Ward jun. the execution of the said contract will be attended with great difficulty and inconvenience to the parties interested therein. Therefore,

*Resolved*, for the reasons aforesaid, That the said Nathan White and Sally Ward, in their said capacities, be, and they are hereby authorized and empowered to reconvey by deed to the said Asa Ward, the said estate purchased of him by the said Asa Ward jun. in his life time, the said mortgage to be cancelled, and the said estate to be held by the said Asa Ward, and his heirs, as if no conveyance thereof had ever been made.

## XCIX.

*Resolve granting \$100, and a pension, to Samuel Davis.*  
8th February, 1812.

On the petition of Samuel Davis, of Newburyport, praying for compensation for wounds he received while on military duty on the twenty-fifth day of September 1809, in said Newburyport.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the said Samuel Davis, in consequence of his having in a great degree lost the use of his right arm, and otherways greatly injured while performing military duty on the said twenty-fifth day of September 1809, the sum of one hundred dollars, as compensation for his expenses and sufferings during his confinement by said wounds ; likewise an annuity or pension of thirty dollars per year, during his natural life, or till the further order of the Legislature, to commence from and after the twenty-fifth day of September 1810.

## C.

*Resolve on the petition of Isaac S. Gardner, making valid an affidavit.* 8th February, 1812.

On the petition of Isaac S. Gardner, of Brookline, in the county of Norfolk, Esq. administrator of the estate of Samuel Smith Learned, late of Brighton, in the county of Middlesex, yeoman, deceased, intestate ; praying that the affidavit by him made in the Probate Court, in and for said county of Middlesex, on the thirteenth day of November, A. D. 1811, of his proceedings relating to the sale of so much of the real estate of said deceased, as raised the sum of one thousand two hundred and thirteen dollars and ninety-six cents, and now recorded, with a copy of each of the notifications of the time and place of said sale, in the registry of probate in and for said county of Middlesex ; may be declared admissible evidence of said sale and of his proceedings relating thereto, although not made within seven months after the day of said sale, as the law requires.

*Resolved*, That the prayer of the petition be granted, and that said affidavit, including a copy of each of said notifications and recorded as above mentioned, or an attested copy thereof, shall be admissible evidence of said sale, and of said adminis-

trator's proceedings relative thereto, and that it shall be valid, and have the same force and effect in law, as if it had been made within seven months after the day of said sale, any law, usage, or custom to the contrary notwithstanding.

### CI.

*Resolve granting \$89..50, to Daniel W. Lincoln Esq. for services as agent of the State in case against the Pegypscot proprietors. 11th February, 1812.*

On the petition of Daniel Waldo Lincoln, of Boston, Esq. praying allowance for his services as agent of the Commonwealth in a prosecution, in the case of information against the Pegypscot proprietors and for remuneration of necessary expenditures therein.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to Daniel Waldo Lincoln Esq. the sum of eighty-nine dollars and fifty cents, in full compensation for his services, including the remuneration of the expenditures aforesaid, and that his Excellency the Governor is hereby authorized and requested to draw his warrant on the Treasurer for the above amount.

### CII.

*Resolve granting Robert C. Vose \$200, for his services as clerk to the Committee on the State valuation. 12th February, 1812.*

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Robert C. Vose, the sum of two hundred dollars, in full for his services as clerk of said Committee, including money paid by him for copies of the Census of the District of Maine, and to his assistants.

### CIII.

*Resolve on the petition of Grenville Temple, authorizing him to sell estate of the children of Elizabeth Temple. 12th February, 1812.*

On the petition of Grenville Temple, guardian of the children of Elizabeth Temple, praying that he may be empowered

to sell the reversion of certain estate belonging to said children.

*Resolved*, That the said Grenville Temple be, and he hereby is authorized and empowered to sell by public auction, or private sale, and convey all or any part of the real estate which Elizabeth, the wife of said Grenville, took as devisee of her late father George Watson Esq. of Plymouth, in the county of Plymouth, and whereof her children are now entitled to the reversion, situate in Haverhill, or elsewhere, in this Commonwealth, and thereof to make and execute good and sufficient deed or deeds to whomsoever he may sell the same.

## CIV.

*Resolve on the petition of Sarah Francis, an Indian woman.*  
12th February, 1812.

*Resolved*, for reasons set forth in the said petition, That John Hancock, of Tisbury, in the county of Duke's County, be, and he is hereby authorized, after due notice, to sell at public auction, and to convey the several tracts of land (mentioned in said petition, namely, one tract of land bounded on the west and south by the land of John Davis Esq. on the east by the lands of George Peters, on the north by the land of Timothy Luce, containing about fifteen acres; and also one other tract of land, it being her right on the common land, so called, containing about ten acres) of the said Sarah, an Indian woman, the said Hancock giving bonds to the Judge of Probate, for the said county, conformably to a law, entitled, "An act directing the settlement of the estates of persons deceased, and for the conveyance of real estate in certain cases."

## CV.

*Resolve on the petition of Barrett Potter and others, granting further time for the settlement of two half townships.*  
12th February, 1812.

On the petition of Barrett Potter and others, proprietors of two half townships of land, granted to Westfield and Deerfield academies, by the Legislature of the Commonwealth of Massachusetts, praying further time to complete the settling duties.

*Resolved*, for reasons set forth in said petition, That there be and hereby is allowed a further time of two years from the first

day of June last, to Barrett Potter and others, aforesaid, their heirs and assigns, owners of the two half townships granted to the trustees of Westfield and Deerfield academies, to complete the settlement of ten families on each of said half townships : and if the said Barrett Potter and others, their heirs and assigns, shall settle on said half township, within the time above named, the said number of families, including those already settled thereon, that then the estate and right of said Potter and others, their heirs and assigns, shall be valid, full and effectual to all intents and purposes, as if the condition of settlement expressed in the original deed given of the said two half townships, by the agents for the sale of Eastern lands, appointed by the General Court to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with. *Provided nevertheless*, That the said Barrett Potter and others, their heirs and assigns, shall, on or before the first day of December next, give bonds to this Commonwealth, in the sum of six hundred dollars, for each of said grants, with sufficient surety or sureties, to the satisfaction of said agents, conditioned that the number of families required in said original deeds to be settled in said grants, shall, within the said term of two years be settled thereon, or for the payment of thirty dollars for each family which shall then be deficient of the whole number.

## CVI.

*Resolve granting Richard Meagher 500 acres of land.*  
12th February, 1812.

On the petition of Richard Meagher.

*Resolved*, for reasons set forth in said petition, That there be, and hereby is granted to said Richard Meagher, and his heirs and assigns forever, five hundred acres of land of any of the unappropriated lands in the District of Maine, excepting the ten townships lately purchased of the Penobscot Indians, to be laid out under the direction of the agents for the sale of eastern lands, and in such place as they shall direct, who are hereby authorized and directed to give a good and sufficient deed of the same to the said Richard Meagher.



## CVII.

*Resolve on the petition of John Haskins, guardian of Effaba Morey. 12th February, 1812.*

On the petition of John Haskins, guardian of Effaba Morey, a negro woman, and non compos, that he may be empowered to apply the estate of her late husband, in the hands of Gideon Hix, to the support and maintenance of the said Effaba.

*Resolved* That, for reasons set forth in said petition, the said John Haskins be authorized to call upon Gideon Hix, administrator of the estate of Robert Morey, late husband of the said Effaba, for as much of the estate of the said Robert, now in his hands, as shall be adjudged by Hodijah Baylies Esq. Judge of Probate for the county of Bristol, necessary to the comfortable support and maintenance of the said Effaba, during her life, provided there is sufficient in the hands of said administrator, and he is hereby required and directed to pay the same accordingly.

## CVIII.

*Resolve granting Ebenezer Brown S12, quarter yearly. 13th February, 1812.*

On the petition of Ebenezer Brown, of Newton, in the county of Middlesex, praying for relief on account of disability to labour, occasioned by a wound received while in the service of his country.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth to the said Ebenezer Brown, quarter yearly, twelve dollars the quarter, and that these payments be made to the said Ebenezer, quarterly, from year to year, during his natural life.

## CIX.

*Resolve on the petition of William Winthrop. 13th February, 1812.*

On the petition of William Winthrop, of Cambridge, in the county of Middlesex, Esq. stating that in August, A. D. 1808, the Selectmen of said town of Cambridge laid out a town way over lands belonging to him and others, between a point in the

old road opposite the house formerly owned by Judge Trowbridge, and the bend or angle in the old road near the mansion house of the Hon. Francis Dana, which road so laid out by said Selectmen, was afterwards, on the sixth of September then next, accepted by said town; that no damages were estimated by said Selectmen in laying out said road, and that none have ever been awarded to or received by him, and that by reason of certain facts stated in his said petition, he was induced not to apply to the Court of Sessions for a Jury to assess his damages, within the time prescribed by law; by reason whereof he has lost his law, and praying to be restored to the same. Therefore,

*Resolved*, for reasons stated in said petition, That the said William be, and he hereby is authorized to make application to the Court of Sessions next to be holden within and for said county of Middlesex, for a Jury, to assess the damages done him by the laying the way aforesaid; and the said Court of Sessions are hereby authorized to sustain said application, and to grant such proceedings thereon, so far as may be necessary to assess the damages done the said William, by the laying said way, as by law they might have done, provided said application had been made within the time prescribed by law.

CX.

*Resolve on the petition of Andrew Cragie.* 13th February, 1812.

On the petition of Andrew Cragie, of Cambridge, in the county of Middlesex, stating that in May, 1808, the town of Cambridge accepted a road, laid out by the Selectmen of said town, part of which was over the land of said Andrew, and soon after made said road; that he was greatly injured by laying out said road over his land, and that no compensation was made him by said town; that he was advised by council, learned in the law, that the proceedings of said Selectmen and town, in laying out said road, were not valid in law, and to seek his remedy by an action of trespass, rather than apply to the Court of Sessions for a Jury, as provided by law, and that during the pendency of the said action of trespass, the time in which by law application might have been made to the Court of Sessions for a Jury to assess his damages, had expired; that his said action of trespass was finally decided against him, by reason whereof he has lost his law, and praying for relief. Thereupon,

*Resolved*, for the reason aforesaid, That the said Andrew Cragie be, and he hereby is authorized to make application to the Court of Sessions next to be holden within and for the county of Middlesex, for a Jury to assess the damages done him by laying a town road over his land, said road beginning at a point near the store of Messrs. Orne & Co. and ending at a place near Mrs. Kneeland's house, in said Cambridge. And said Court of Sessions are hereby authorized to sustain said application, and grant the same so far only as to authorize a Jury to assess the damages done said Cragie, by the taking his land for said road; and the Jury so appointed, shall have all the powers as to assessing the damages aforesaid, as they would by law have had, provided the said application had been made, and they had been appointed according to the law in such cases made and provided.

## CXI.

*Resolve on the petition of Hervey Hersey, authorizing him to file his affidavit.* 13th February, 1812.

On the petition of Hervey Hersey, of Newton, in the county of Middlesex, administrator on the estate of Edward Mitchell, late of said Newton, deceased, stating that after selling the real estate of said Edward, by order of law, he neglected to make and file in the probate office, his affidavit of having given notice of the time and place of the sale of said real estate within seven months after the sale, as required by law; and praying that he may now be authorized to file the said affidavit in the Probate office in said county of Middlesex. Therefore,

*Resolved*, The said Hervey be, and he hereby is authorized to make his affidavit of the notice given previous to the time of said sale and file the same, together with one of the original advertisements of the time, place, and estate to be sold, or a copy of such advertisement, in the Probate office for said county of Middlesex, within sixty days from the date of this resolve; and the same, when so made and filed as aforesaid, shall have the same force and effect in law, and may be used in the same manner, as though the same had been done within seven months after the sale, as by law is provided.

The honourable Samuel Day, a Committee from the Senate, waited on the Governor, and requested that his Excellency would cause to be laid before the Senate, such proceedings, as may have been had and done, in consequence of a resolve (passed February 2d, 1810), authorizing the Governor, with the advice of Council, to appoint commissioners, to ascertain the boundary line between this Commonwealth and the State of Rhode Island.

The Governor by the Secretary communicated the following answer :

Gentlemen of the Senate,

Pursuant to your request, I have directed an inquiry to be made, in regard to such proceedings as may have been had, in consequence of a resolve of the 2d of February 1810, "for authorising the Governor, with the advice of Council, to appoint commissioners to ascertain the boundary line between this Commonwealth, and the State of Rhode Island," and have received the Secretary's report, which he will lay before the Senate on that subject.

E. GERRY.

*Council Chamber, 14th February, 1812.*

*Records of Council, page 424. March 6th, 1810.* Edward H. Robbins, Nicholas Tillinghast, and Nahum Mitchell, Esquires, appointed commissioners to ascertain, and make the boundary line between this Commonwealth and the State of Rhode Island.

*By Resolve of 2d February, 1810.*

*Page 444. May 18th, 1810.* Warrant issued on the Treasurer for five hundred dollars, in favour of the Hon. Edward H. Robbins, Nicholas Tillinghast and Nahum Mitchell, Esquires, commissioners to ascertain and mark the line between this State and Rhode Island, to enable them to defray the immediate expenses of running and establishing said line.

*By Resolve of 2d February, 1810.*

I hereby certify that no returns have been received of the doings of said commissioners.

A true copy from the Council Register.

*Attest,*

BENJAMIN HOMANS, *Secretary.*

## CXII.

*Resolve on the petition of Thomas Shaw, directing the bringing up and making valid the records of Plainfield. 14th February, 1812.*

On the petition of Thomas Shaw, clerk of the town of Plainfield, in the county of Hampshire, stating that neither he nor his predecessors in that office, have made any record of the oaths administered to the several town officers in said town, although the same were duly administered, as by law required. And whereas doubts have arisen, whether the said town clerks, have a right by law to complete the records of said town. It is therefore,

*Resolved*, That the said town clerks be, and they hereby are authorized to complete the records, and the same when so completed, shall have the same force and effect in law, as though the same had been made and completed within the years, in which the said town clerks were respectively chosen.

## CXIII.

*Resolve on the petition of Royal Chase, administrator of the estate of Elisha Chase 2d. 14th February, 1812.*

On the petition of Royal Chase, administrator, with the will annexed, on the estate of Elisha Chase, the 2d of that name, late of Swansey, in the county of Bristol, deceased, praying to be empowered to make sale of the real estate of the testator, according to the provisions, and directions, given to the executor in said will, said executor having died since the probate thereof, without executing that part of said will.

*Resolved*, That, for reasons set forth in said petition, the said Royal Chase be, and he hereby is empowered to make sale of the real estate whereof the said Elisha Chase 2d died seized, and to do and perform all and singular the duties, and execute all the powers given to the executor named in said will; in as ample manner as said executor might have done, provided he had lived to execute the same; and to render an account thereof to the Judge of Probate, of wills, &c. in and for said county, any law, usage, or custom to the contrary notwithstanding.

## CXIV:

*Resolve on petition of George Chiscott and Barnabas Young.*  
14th February, 1812.

On the petition of George Chiscott and Barnabas Young, settlers on Nicholas or Iron-bound Island.

*Resolved*, That, for reasons set forth in said petition, the agents for the sale of eastern lands, cause to be surveyed and laid out to each settler on Nicholas or Iron-bound Island, one hundred acres of land, so as best to include their improvements and be least injurious to the adjoining lands; and to sell the same to said settlers for such consideration as the said agents shall think just and reasonable, having regard to the time of settlement.

## CXV.

*Resolve granting Nathan Barnes \$31..33.* 15th February, 1812.

On the petition of Nathan Barnes, of Heath, in the county of Franklin.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth, the sum of thirty-one dollars thirty-three cents to the said Nathan Barnes, in full compensation for his trouble and expenses in apprehending Solomon Bruce and William Hathway, and causing said Bruce to be convicted of forgery.

## CXVI.

*Resolve granting half a township of land to the Trustees of Farmington academy.* 17th February, 1812.

*Resolved*, That instead of ten thousand and twenty acres of land, granted to the trustees of Farmington Academy by a resolve passed February 8th, 1811; there be granted to said trustees one half of a township of land of six miles square, and it appearing that said trustees have complied with the conditions in said resolve mentioned, that the Commonwealth's agents upon the subject of eastern lands, lay the same out, subject to the usual reservations.

## CXVII.

*Resolve directing the agents for the sale of eastern lands, to convey to the trustees of Monmouth Academy, land in township No. 5. 17th February, 1812.*

On the petition of John Chandler Esq. in behalf of the trustees of Monmouth Academy.

*Resolved*, for reasons set forth in said petition, That the agents for the sale of eastern lands be, and they are hereby directed to give to the trustees of Monmouth Academy for the use of said academy, a deed of all the surplus land that remains unconveyed in township number five, in the second range of townships north of the Waldo Patent, estimated to be about eight hundred acres.

## CXVIII.

*Resolve on the petition of Estes Howe, authorizing the payment of \$25, from the funds of the Hassanamisco Indians.*  
17th February, 1812.

*Resolved*, for reasons set forth in the petition, That Benjamin Heyward Esq. trustee of the fund belonging to the Hassanamisco tribe of Indians, be directed, and he is hereby authorized to pay to Estes Howe, the sum of twenty-five dollars, out of the funds formerly belonging to Abigail Printer, deceased.

## CXIX.

*Resolve authorizing Samuel Lyman, to execute a deed to Gaius Lyman. 17th February, 1812.*

On the petition of Samuel Lyman, of Chester, in the county of Hampshire, administrator on the estate of Stephen Lyman, late of said Chester, deceased, stating that the said Stephen in his life time, as administrator on the estate of Stephen Lyman, jun. was duly authorized to sell and convey certain real estate of which the said Stephen jun. died seized; and also the reversion of the widow's dower therein, that in pursuance of said licence, the said Stephen proceeded to make sale of said estate at public vendue, according to law, to one Gaius Lyman, of said Chester; that said Stephen afterwards rendered his final account of administration to the Judge of Probate of said county,

including the proceeds of said sales, which said account was received and approved by said Judge, and the balance in the hands of said Stephen, decreed to be paid to the creditors of said Stephen jun, and the said Stephen in pursuance of said decree paid over to said creditors the whole balance of said account, and suddenly died, without having made and executed to said Gaius Lyman, any deed of the premises, sold as aforesaid ; and praying that the said Samuel may be authorized and empowered to make and execute a deed thereof. Therefore,

*Resolved*, for reasons set forth in said petition, That the said Samuel Lyman be, and he is hereby authorized and empowered to make and execute such deed or deeds of the premises to the said Gaius Lyman, as the said Stephen Lyman might and ought to have done in his life time ; and that the said deed or deeds, to be made by the said Samuel by virtue hereof, shall have the same force and effect, both at law and in equity, to all intents and purposes, as if the same had been made and executed by the said Stephen Lyman, administrator as aforesaid.

### CXX.

*Resolve allowing the town of Gloucester a further time to locate an half township of land.* 18th February, 1812.

The Committee to whom was referred the petition of the inhabitants of the town of Gloucester, praying an extension of time for surveying and locating the half township of land granted for certain purposes by a resolve passed the 22d January 1808, have attended that service, and beg leave to report the following resolve, which is respectfully submitted.

MARK L. HILL, *per order*,

On the petition of the inhabitants of the town of Gloucester, praying an extension of the time for surveying, locating and returning a plan of the half township of land, granted for certain purposes, by a resolve passed the 22d of January 1808.

*Resolved*, That, for reasons set forth in said petition, one year further be allowed to said inhabitants for surveying, locating, and returning a plan of the half township of land, pursuant to the original resolve.



## CXXI.

*Resolve on the petition of Joseph Lord, directing the Treasurer to issue a new note.* 20th February, 1812.

On the petition of Joseph Lord, praying for a new State note in lieu of one lost.

*Resolved*, That the Treasurer of this Commonwealth be, and he is hereby directed to issue a new State note for fifty-eight dollars and sixty-six cents, bearing the same number and date, at five per cent interest, and to endorse thereon such interest as has been paid on the note, stated to be lost; the said Joseph first giving bond to the satisfaction of the Treasurer, conditioned to save the Commonwealth harmless from all demand for or on account of the note stated to be lost as aforesaid.

## CXXII.

*Resolve confirming the records and assessments of the town of Lovell.* 21st February, 1812.

On the petition of Samuel E. Andrews and others, a committee in behalf of the town of Lovell, in the county of Oxford, praying that the records and assessments of said town may be confirmed and rendered valid in law.

*Resolved*, for reasons set forth in said petition, That the records and assessments of said town of Lovell shall be confirmed and made valid in law, notwithstanding the omission of the Town Clerk to record the impression of the seal, and the return of the Constable's proceedings on the Selectmen's warrant for town meetings, and the official oaths of some of the town officers; also of the omission of the Assessors in taxing some of the lots in said town. *Provided however*, That nothing in this resolution shall be construed to effect any suit at law now pending in the said town of Lovell.

## CXXIII.

*Resolve granting \$50, to the gentleman who shall preach the next Election Sermon.* 20th February, 1812.

*Resolved*, That there shall be allowed and paid out of the treasury of this Commonwealth, fifty dollars to the gentleman who shall preach the election sermon in May next, and that his

Excellency the Governor, shall be authorized to draw his warrant on the Treasurer for said sum.

## CXXIV.

*Resolve granting \$180, to John Blake Esq. to pay expenses of the Penobscot Chiefs in Boston. 21st February, 1812.*

The Committee of both Houses, to whom was referred the petition and representation of the chiefs of the Penobscot Indians, setting forth, that they having had occasion to visit this place, and remain here a considerable time, at an expense which they are poorly able to defray, and they request that their agent now in town, may be furnished with money out of the treasury of this Commonwealth, sufficient to pay for board while in town, and to purchase each a suit of clothes, and also to bear their expenses home, report the following resolve, which is respectfully submitted by the Chairman of said Committee.

JOHN WOODMAN, *per order.*

*Resolved*, That his Excellency the Governor, with advice of the Council, be, and he hereby is requested to draw his warrant on the treasury of this Commonwealth in favour of John Blake Esq. agent for the Penobscot tribe of Indians, for such sum of money as said agent may request, not exceeding one hundred and eighty dollars, to enable him to defray the expenses of the chiefs of the Penobscot tribe of Indians, for board and other expenses, now on a visit to this town; and for defraying their expenses home, the said agent to be accountable for the expenditure of said sum.

## CXXV.

*Resolve on the petition of the town of Pittston for aid in building a bridge. 22d February, 1812.*

On the petition of the inhabitants of the town of Pittston, in the county of Kennebeck, praying for aid in building and maintaining a bridge across Wonomontogus stream in said town.

*Resolved*, for reasons set forth in said petition, That there be and hereby is granted (subject to the usual reservation and conditions of settlement, and upon the condition hereinafter mentioned) to said inhabitants of Pittston; for the purpose aforesaid; one third part of a township of land, of the contents of

six miles square, out of any of the unappropriated lands in the District of Maine, excepting the ten townships lately purchased of the Penobscot Indians, to be laid out under the direction of the agents for the sale of eastern lands, who, upon receiving a certificate from the treasurer of this Commonwealth, that a bond has been given to him as hereinafter mentioned, are hereby authorized and directed to make and execute a good and sufficient deed of the same to the inhabitants of said town of Pittston, in trust, to and for the use of said town, and for the purpose of erecting and maintaining said bridge, to their assigns forever. *Provided*, That the said inhabitants shall first give bonds to the treasurer of said Commonwealth in the penalty of six thousand dollars, well and truly to perform the condition hereafter specified in this resolve, agreeably the true intent and meaning thereof; that is to say, that said inhabitants shall build said bridge over said Worromontogus stream, within two years from the first day of January last past; and that they also hereafter keep said bridge in good repair.

## CXXVI.

*Resolve expressive of the ability and disposition of Massachusetts to furnish blankets and clothing for 50,000 men, &c.*

22d February, 1812.

The Committee who have had under consideration the communication of his Excellency upon the subject of supplying this Commonwealth's proportion of blankets and clothing for the necessary supply of the Indians, and such number of troops, as upon any exigency it may be found necessary for defensive or offensive war, have attended to the duty assigned them, and as the result of their most careful and critical inquiry they feel themselves fully authorized to say, they find both the ability and inclination in the good people of this Commonwealth to furnish at very short notice, any number of blankets and any quantity of clothing, all of the manufacture of this Commonwealth, that may be necessary to enable the general government to fulfil any engagements made, or such as may be for the interest of the United States to make. The Committee with pleasure notice your Excellency's correct description of the energies of the American people, at the commencement of their struggle for independence, and the means by them employed to render that struggle successful by applying to their own internal resources, and we confidently believe, that while American pa-

triotism has not abated, the resources of our country have increased, and our ability to live free, happy, and independent of all other nations has grown with our growth and strengthened with our strength. Proposals have already been made to the Committee by individuals adequate to the fulfilment of their engagements, to furnish at least 50,000 blankets, and a like number of suits of clothes within a short period from the date of their contract. Your Committee, therefore, report the following, which is submitted by

JOHN HEARD, *Chairman of the Committee.*

*Resolved*, That his Excellency the Governor be requested to communicate to the general government, in such mode as he may judge most convenient and expeditious, the perfect ability and disposition of the government of this Commonwealth to make the most prompt provision for the immediate supply of such blankets and clothing as the general government may wish to contract with the citizens of this Commonwealth for sufficient to meet any contingency which may occur, and to request information of any other articles, which are or may be wanted for supplying the Indians, as there can be no doubt of the ability of this Commonwealth, to supplying by contract any such articles, mostly if not altogether from our own manufactures.

## CXXVII.

*Resolve appointing a Committee to inquire into the situation of the Quarter Master General's department.*

24th February, 1812.

*Resolved*, That Henry A. S. Dearborn, Daniel W. Lincoln, and Bryant P. Tilden, Esquires, be a Committee to inquire into the situation of the Quarter Master's department, the purchase and distribution of public supplies, and the expenditure in that department, and also whether any alteration therein are necessary, with leave to report the first session of the next General Court, by bill or otherwise.

## CXXVIII.

*Resolve on the petition of Joseph Carr and others for aid in opening a road from Purshaw stream to Piscataquis river.*  
25th February, 1812.

Upon the petition of Joseph Carr and others, praying aid and assistance of the Legislature of the Commonwealth of Massachusetts, for the opening of a road from Purshaw stream, near Penobscot river, to Piscataquis river, in or near the dividing line of township No. 2, and 3, in the seventh range of townships north of the Waldo Patent, through the Commonwealth's lands, purchased of the Indians, agreeably to a plan of a road made by Park Holland.

*Resolved*, for reasons set forth in said petition, That the agents for the sale of eastern lands be, and they hereby are authorized, to survey or cause to be surveyed, seven thousand acres of lands belonging to said Commonwealth, purchased of the Indians, in lots, on each side of the road surveyed by Park Holland, each lot to be eighty rods wide on the road, and two hundred rods back; and in order to provide for the effectual opening of said road, the agents aforesaid are authorized and directed to advertise in the several newspapers printed in Boston, that they are ready to receive proposals from any person or persons disposed to do the same, the contractors agreeing to fell the trees four rods wide and make the necessary causeways and bridges, and clear and make the road of suitable width and convenience for travelling with wheel carriages, through the lands that belong to the Commonwealth, for which the agents aforesaid are authorized to convey to the contractors in payment for said road a proportionable number of said lots as they may deem necessary to effect the purpose. *Provided*, That the said contractors shall be obliged to produce satisfactory evidence to said agents that they have completed said road agreeably to their contract.

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

I have received the report of a Committee appointed in Berkshire, pursuant to a resolve passed by the General Court, the twenty-eighth February, 1811, and a letter from his Excellency Governor Mitchell, communicating the ratification, by the State of Georgia, of the amendment proposed by Congress to the Constitution of the United States, for preventing any

citizen of the said States from accepting or retaining any title of nobility or honour, or an emolument of any kind, from any foreign power. And the Secretary will lay before you both those documents.

E. GERRY.

*Council Chamber, 28th February, 1812.*

CXXIX.

*Resolve requesting the Representatives from this State in Congress to promote the making a Canal from the great lakes to Hudson's river. 30th January, 1812.*

The Committee of both Houses to whom was referred so much of his Excellency's message as relates to a letter from Gouverneur Morris and others, commissioners appointed by the Legislature of the State of New York, "for the purpose of obtaining the co-operation and aid of the United States, or of any State or territory, in opening a communication by means of a canal navigation, between the great lakes and Hudson's river," beg leave to report—

That upon an examination of the documents accompanying said letter, they are impressed with the opinion expressed in said letter, that the contemplated project of opening an internal navigation between said lakes and Hudson's river, would encourage agriculture, promote commerce and manufactures, facilitate a free and general intercourse between different parts of the United States, and tend to the aggrandizement and prosperity of the country, and to consolidate and strengthen the Union. They therefore recommend the following resolution.

*Resolved*, That the Senators of this Commonwealth be instructed, and that the Representatives thereof, in Congress, be requested to use their influence for promoting by all reasonable encouragement in such mode, as Congress in their wisdom may devise, the opening of a communication, by means of a canal navigation, between the great lakes and Hudson's river; regard being had to the special benefit which will accrue to the State of New York, from the accomplishment of that project.

To the Honourable the Senate and House of Representatives,  
of the Commonwealth of Massachusetts, in General Court  
assembled.

The Committee appointed by order of the General Court, passed the twenty-sixth day of June last, convened at the State House in Boston, on the first Wednesday of November last, and after choosing a clerk, to keep a journal of their proceedings, and to assist them in the duties assigned them, proceeded to the examination of the returns of the assessors of the several towns, districts and plantations in this Commonwealth; made in pursuance of an act, passed the twenty-fifth day of February, in the year of our Lord one thousand eight hundred and eleven, entitled, "An act to ascertain the ratable estate in this Commonwealth."

The Committee have the satisfaction of informing the Legislature that the assessors of the several towns, districts and plantations, have generally made the returns, required of them by the said act, with great punctuality and correctness, and after examining the several returns, and correcting such errors and mistakes as appeared on the face of them, the Committee proceeded to estimate the several items of taxable property, according to their true value, from the best information in their power to obtain. In estimating the value of lands, dwelling houses and other buildings, great attention was paid to their local situation, and great allowances made on account of local circumstances, as will appear by the journal of their proceedings which is herewith communicated and made a part of this report.

In estimating the value of shipping, cattle, horses and other articles of property, the value of which is nearly the same in every part of the Commonwealth, the Committee have adapted one uniform rule, and affixed the same price which will also appear by the journal of their proceedings.

The Committee have also estimated the value of such wild lands as have been returned in pursuance of the seventh sections of the act for ascertaining the ratable estate within this Commonwealth, where the term of ten years have elapsed since the date of the deeds, situate without the limits of any incorporated towns or district, and without the limits of any plantation, and apportioned the tax upon them at two per cent. upon the income of their actual value, and added the same to the aggregate of the taxable property in the several counties

within which they are situated, agreeably to the obvious intention of the Legislature, as expressed in the act aforesaid and the resolve appointing the Committee.

When the Committee have been under the necessity of exercising the discretionary powers, with which they were invested, in charging any towns, districts or plantations, according to their own judgment, or increasing any specific article of property, they have endeavoured to obtain the best evidence the nature of the case admitted, and they are persuaded that they have done them no injustice. It will be perceived that very considerable changes have taken place within the last ten years, which were reasonable to have been expected, when we consider the great increase of population and property in the different parts of the state, which have produced considerable alterations in the apportionment of the tax to be assessed upon them. The journal of the Committee, which is herewith submitted, is the best history of their proceedings that can be offered, and they are happy to inform the Legislature, that as the only objects of the Committee were to ascertain the due proportion of the taxes to be assessed, which the different counties ought in justice to pay ; they have been more unanimous in their decisions than could reasonably have been expected, upon questions involving so many different and conflicting pecuniary interests, and they submit the following apportionment of the sum of one thousand dollars, on the several towns, districts and taxable plantations in this Commonwealth, as the ratio by which they are to be assessed, confidently believing it will meet the general approbation of the Honourable Legislature.

*Accepted by both Houses, and*

*approved by the Governor, 30th January, 1812.*



## REPORT

## OF THE COMMITTEE OF VALUATION.

## COUNTY OF SUFFOLK.

<i>Polls.</i>	<i>Towns.</i>	<i>Aggregates.</i>	<i>On \$1000, including Polls, at 2 milles ea.</i>	<i>Valuation of 1801</i>	
				<i>Polls.</i>	<i>On \$1000.</i>
9,993	Boston	\$1,287,417 60	\$137 02	4,640	\$1 25 22
101	Chelsea	9,714 58	1 08	119	1 58
10,094		1,297,132 18	138 10	4,759	126 80

## COUNTY OF ESSEX.

3,041	Salem	\$327,561 22	\$35 86	1,866	\$41 40
825	Danvers	46,630 32	5 89	603	6 14
825	Ipswich	37,136 06	5 02	759	6 00
1,392	Newbury	78,151 88	9 89	829	8 27
1,980	Newburyport	127,008 24	15 50	1,328	23 13
1,500	Marblehead	82,974 44	10 54	1,179	10 89
1,147	Lynn	32,415 85	5 25	737	4 16
128	Lynnfield	5,715 87	77	100	82
684	Andover	38,544 23	4 87	627	5 93
1,088	Beverly	49,374 52	6 65	835	9 13
407	Rowley	20,704 68	2 69	393	3 20
511	Salisbury	21,349 56	2 96	447	3 19
630	Haverhill	32,941 16	4 25	526	4 28
1,276	Gloucester	47,023 72	6 85	1,114	7 83
199	Topsfield	11,734 84	1 47	211	1 65
474	Amesbury	19,461 30	2 72	417	2 67
377	Bradford	17,183 79	2 32	330	2 58
293	Methuen	14,020 36	1 86	265	2 14
224	Boxford	13,704 26	1 69	233	2 11
107	Wenham	6,514 67	81	101	1 08
259	Manchester	10,298 84	1 45	225	1 57
197	Hamilton	10,227 92	1 33	195	1 69
159	Middleton	7,841 96	1 03	142	1 21
17,723		1,058,519 69	131 67	13,462	151 02

## COUNTY OF MIDDLESEX.

<i>Polls.</i>	<i>Towns.</i>	<i>Aggregates.</i>	<i>On \$1000, including Polls. at 2 miles cu.</i>		<i>Valuation of 1801.</i>	
			<i>Polls.</i>	<i>On \$1000.</i>	<i>Polls.</i>	<i>On \$1000.</i>
584	Cambridge	\$30,477 35	\$3 93	573	\$5 82	
393	Watertown	24,465 07	3 02	294	3 6	
1,264	Charlestown	76,870 39	9 52	720	7 78	
299	Woburn	13,172 63	1 79	309	2 31	
383	Concord	23,931 55	2 95	385	3 62	
436	Newton	22,582 44	2 92	375	3 18	
596	Reading	19,772 13	2 99	496	3 52	
419	Marlborough	21,816 04	2 83	416	3 47	
316	Billerica	14,843 47	1 98	299	2 38	
395	Framingham	18,509 11	2 47	346	2 84	
271	Lexington	13,813 64	1 80	259	2 31	
339	Chelmsford	12,659 78	1 83	322	2 35	
229	Sherburne	10,698 88	1 43	200	1 68	
258	Sudbury	13,970 02	1 79	303	2 22	
391	Malden	15,858 34	2 22	256	2 24	
269	Weston	16,090 43	2 00	235	2 35	
367	Medford	26,311 19	3 12	226	2 62	
325	Hopkinton	15,017 86	2 02	291	2 37	
279	Westford	12,755 22	1 72	283	2 16	
280	Waltham	18,139 71	2 21	222	2 60	
182	Stow	8,853 30	1 17	216	1 56	
99	Boxborough	4,095 80	57	87	66	
429	Groton	20,065 04	2 69	402	2 93	
164	Shirley	6,273 53	90	184	1 6	
288	Pepperell	9,453 86	1 44	288	1 78	
290	Townsend	8,799 84	1 38	272	1 56	
314	Dracut	11,734 99	1 70	316	2 11	
145	Bedford	8,354 13	1 5	137	1 43	
257	Holliston	13,020 37	1 70	224	2 11	
214	Acton	7,564 52	1 12	239	1 50	
163	Carlisle	6,613 23	92	154	1 16	
113	Dunstable	5,564 02	74	120	89	
210	East Sudbury	10,044 38	1 34	198	1 67	
141	Lincoln	9,524 87	1 15	166	1 45	
193	Tyngsborough	6,908 28	1 2	158	1 15	
192	Tewksbury	7,564 18	1 7	224	1 43	
180	Wilmington	6,686 04	97	173	1 17	
254	Ashby	9,233 22	1 35	236	1 57	
207	Littleton	9,458 90	1 27	207	1 45	
181	Natick	8,620 93	1 14	154	1 19	
117	Stonham	4,266 74	62	104	71	
130	Burlington	5,853 72	79	143	1 4	
278	West Cambridge	10,514 75	1 51	} Parts of Cambridge.		
171	Brighton	12,030 05	1 43			
13,002		633,489 77	83 58	11,212	92 44	

## COUNTY OF HAMPSHIRE.

Polls.	Towns.	Aggregates.	On \$1000, including Polls, at 2 mills each		Valuation of 1801.	
			Polls.	On \$1000.	Polls.	On \$1000.
297	Hadley	\$15,806 53	\$2 03	261	\$2 05	
678	Northampton	30,286 17	4 11	600	4 24	
825	Springfield	28,119 25	4 21	432	3 28	
830	West Springfield	30,971 93	4 48	622	4 50	
498	Westfield	19,773 50	2 79	408	2 89	
299	Worthington	11,700 17	1 66	262	1 88	
190	Westhampton	8,636 47	1 16	163	1 25	
375	Southwick	8,964 02	1 56	209	1 36	
232	Cummington	8,134 17	1 20	211	1 34	
251	Williamsburgh	10,132 15	1 42	230	1 45	
290	Chesterfield	8,876 47	1 40	283	1 73	
281	Longmeadow	10,447 69	1 51	221	1 47	
106	Holland	3,697 84	55	106	67	
156	Montgomery	2,925 54	58	128	62	
250	Palmer	6,957 70	1 14	227	1 28	
327	Blanford	13,090 70	1 84	329	2 15	
298	Greenwich	8,535 21	1 37	282	1 06	
421	Wilbraham	13,323 96	2 05	344	2 02	
158	Easthampton	4,398 01	71	130	80	
600	Belcherton	15,782 95	2 63	423	2 22	
183	Norwich	6,067 92	92	196	1 04	
153	South Brimfield	5,419 50	80	150	86	
375	Brimfield	12,639 04	1 90	333	2 14	
213	Granby	6,843 57	1 05	194	1 12	
389	Granville	12,232 94	1 89	437	3 13	
218	Plainfield	8,343 19	1 20	167	97	
269	Southampton	8,654 47	1 32	251	1 54	
100	Russell	3,086 42	48	75	42	
358	Chester	9,077 10	1 54	352	1 61	
183	Middlefield	7,545 67	1 05	224	1 15	
212	South Hadley	7,288 68	1 08	192	1 24	
375	Monson	12,625 17	1 90	323	1 99	
239	Ware	6,746 37	1 09	221	1 16	
156	Goshen	5,584 99	82	141	99	
169	Tolland	5,805 48	86	Part of Granville.		
165	Ludlow	4,724 14	76	151	72	
261	Pelham,	6,795 88	1 14	227	1 32	
217	Hatfield	12,955 05	1 61	198	1 94	
419	Amherst	14,494 15	2 16	289	2 11	
12,016		417,490 16	61 97	9,992	63 71	

## COUNTY OF PLYMOUTH.

969	Plymouth	\$33,345 80	\$4 97	742	\$5 44
709	Scituate	32,862 48	4 40	574	4 90
552	Duxbury	18,151 74	2 75	393	2 49
313	Marshfield	16,212 33	2 11	315	2 72
1,239	Bridgewater	48,902 80	6 92	1,121	8 51

Polls.	Towns.	Aggregates.	On \$1000, including Polls, at 2 mills each	Valuation of 1801.	
				Polls.	On \$1000.
1,069	Middleborough	\$37,533 75	\$5 55	943	\$6 38
847	Rochester	18,415 69	3 37	596	3 38
231	Plympton	6,496 39	1 05	197	1 18
451	Pembroke	18,562 03	2 59	445	3 25
279	Kingston	12,653 52	1 71	262	2 09
395	Abington	15,071 58	2 16	372	2 74
270	Hanover	12,046 93	1 63	236	1 84
172	Halifax	5,680 29	86	173	1 08
200	Wareham	5,826 97	93	186	1 07
205	Carver	6,279 72	98	207	1 18
605	Hingham	25,653 20	3 54	{ 471	Part of 3 98
32	Hull	2,163 63	26		36 Suffolk. 36
8,538		315,864 27	45 78	7,269	52 59

## COUNTY OF BRISTOL.

982	Taunton	\$29,598 44	\$4 66	852	\$5 51
1,096	Rehoboth	30,481 56	4 96	873	5 32
375	Swansey	12,008 49	1 84	311	1 83
631	Dartmouth	20,636 79	3 14	491	3 53
361	Norton	14,267 97	2 02	314	2 38
609	Attleborough	23,236 46	3 31	467	3 49
393	Dighton	11,882 56	1 87	342	2 21
387	Freetown	11,705 02	1 84	518	3 42
266	Raynham	8,897 95	1 34	258	1 69
378	Easton	11,717 57	1 82	309	2 04
247	Mansfield	6,974 01	1 13	240	1 34
215	Berkley	8,316 95	1 19	246	1 54
1,292	New Bedford	93,996 95	11 13	924	8 05
604	Westport	20,438 75	3 07	482	3 68
208	Somerset	7,874 03	1 13	177	1 43
242	Troy	9,002 73	1 30	Part of Freetown.	
8,286		321,036 24	45 75	6,804	47 48

## COUNTY OF BARNSTABLE.

802	Barnstable,	\$19,070 96	\$3 34	668	\$3 42
573	Sandwich	18,955 29	2 87	482	3 42
488	Yarmouth	12,105 85	2 06	499	2 12
178	Eastham	3,071 66	64	166	63
399	Harwich	7,993 30	1 53	602	2 85
324	Wellfleet	4,182 17	1 03	242	97
599	Falmouth	15,800 33	2 64	424	2 49
272	Truro	4,617 04	97	259	1 01
349	Chatham	6,503 31	1 26	295	1 36
220	Provincetown	5,112 84	92	196	86
359	Dennis	5,988 19	1 26	340	1 44
303	Orleans	4,498 46	1 02	242	1 06
276	Brewster	6,921 74	1 18	Part of Harwich.	
5,142		114,821 14	20 72	4,365	21 63

## DUKE'S COUNTY.

Polls.	Towns.	Aggregates.	On \$1000, including Polls, at 2 mills each	Valuation of 1801.	
				Polls.	On \$1000.
289	Edgartown	\$6,312 96	\$1 15	273	\$1 44
254	Tisbury	8,645 21	1 30	236	1 39
176	Chilmark	10,016 04	1 26	162	1 39
<hr/>		<hr/>		<hr/>	
719		24,974 21	3 71	671	4 22

## COUNTY OF NANTUCKET.

2,043	Nantucket	\$126,268 48	\$15 57		1,440	\$9 45
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## COUNTY OF WORCESTER.

600	Worcester	\$63,666 40	\$6 99	608	\$6 46
405	Lancaster	16,978 55	2 32	350	2 63
422	Mendon	17,483 36	2 43	341	2 77
825	Brookfield	32,200 73	4 58	767	5 67
314	Oxford	10,783 61	1 61	269	1 82
600	Charlton	25,112 08	3 48	462	3 76
610	Sutton	25,218 66	3 51	518	4 36
294	Leicester	13,797 88	1 84	269	2 12
348	Spencer	15,476 96	2 10	350	2 58
287	Rutland	17,089 07	2 12	306	2 47
200	Oakham	8,070 66	1 13	200	1 25
282	Hubbardston	11,936 39	1 65	276	1 86
215	New Braintree	9,575 53	1 30	215	1 63
204	Southborough	9,525 22	1 27	199	1 45
265	Westborough	12,740 52	1 69	260	2 04
197	Northborough	8,519 78	1 17	156	1 33
330	Shrewsbury	13,140 22	1 86	266	1 99
291	Lunenburg	12,297 24	1 70	291	2 09
378	Fitchburgh	11,532 85	1 80	296	1 76
303	Uxbridge	17,148 39	2 17	303	2 39
150	Northbridge	5,130 95	77	133	85
375	Harvard	13,503 01	1 98	363	2 38
267	Bolton	10,536 80	1 49	243	1 69
142	Berlin	6,245 42	85	133	99
470	Sturbridge	20,440 30	2 80	431	3 12
384	Hardwick	14,439 91	2 08	387	2 68
257	Western	10,717 91	1 49	232	1 81
399	Leominster	13,536 05	2 03	337	2 07
260	Holden	12,310 92	1 64	256	2 08
250	Douglas	7,532 67	1 19	242	1 39
254	Grafton	12,363 44	1 63	217	1 38
375	Petersham	17,251 28	2 32	347	2 82
321	Royalston	10,621 67	1 63	298	1 84
384	Westminster	15,830 56	2 21	334	2 30

Polls.	Towns.	Aggregates.	On \$1000. including Polls, at 2 mills each	Valuation of 1801.	
				Polls.	On \$1000.
254	Athol	\$10,360 65	\$1 45	246	\$1 58
284	Templeton	10,444 95	1 52	257	1 75
254	Incetown	15,438 30	1 91	242	2 27
259	Astiburnham	9,950 36	1 42	229	1 45
201	Winchendon	10,851 42	1 59	270	1 88
224	Upton	7,608 27	1 14	207	1 35
298	Dudley	12,276 90	1 72	231	1 75
159	Paxton	7,162 53	97	143	1 10
452	Barre	24,088 88	3 09	428	3 67
133	Ward	6,549 28	87	132	1 09
208	Milford	11,245 42	1 44	200	1 64
422	Sterling	16,771 77	2 36	388	2 93
181	Boyiston	9,204 02	1 20	263	1 91
197	Gardner	7,017 60	1 03	161	99
203	Gerry	8,423 35	1 18	199	1 32
156	Dana	3,253 05	61	141	57
174	West Boylston	7,911 01	1 07	New Town.	
15,827		701,312 75	95 40	14,592	107 52

## COUNTY OF BERKSHIRE.

476	Sheffield	\$17,821 77	\$2 56	423	\$2 78
74	Mount Washington	2008 40	32	64	32
404	Great Barrington	13,119 54	2 00	384	2 25
434	New Marlborough	11,377 63	1 90	399	2 18
401	Williamstown	17,342 94	2 38	405	2 59
310	Lanesborough	13,543 62	1 85	314	2 28
84	New Ashford	2,677 43	41	90	49
751	Pittsfield	25,956 91	3 86	523	3 58
300	Lenox	11,015 26	1 60	253	1 78
346	Stockbridge	13,615 61	1 93	306	2 20
166	Egremont	5,486 96	83	171	99
405	Tyringham	8,960 50	1 62	370	1 90
375	Sandisfield	12,382 13	1 88	365	2 16
46	Southfield	1,479 42	23	46	23
217	Becket	8,263 86	1 18	206	1 30
234	Windsor	7,126 64	1 12	219	1 53
247	Hancock	7,831 99	1 21	228	1 39
242	Richmond	10,847 00	1 47	242	1 82
187	Washington	5,844 90	90	203	1 00
258	West Stockbridge	7,186 40	1 17	218	1 32
118	Alford	4,421 28	64	122	74
453	Adams	13,791 23	2 16	312	2 07
375	Lee	9,961 98	1 65	155	1 57
375	Cheshire	13,583 92	1 98	296	2 05
183	Dalton	6,631 85	97	193	1 19
165	Savoy	3,728 01	67	116	44
52	Clarksburg	1,667 04	26	54	25

Polls.	Towns.	Aggregates.	On \$1000, including Polls, at 2 mills each		Valuation of 1801.	
					Polls.	On \$1000.
238	Otis	5,182 10	\$0	95	{ Loudon and 221 Bethlehem. New Town. New Town.	\$1 02
167	Hinsdale	6,182 94		90		
85	Florida	1,396 24		30		
204	Peru	6,469 10	1	00		
24	Gore of land N. of Florida	279 72		7	{ 319 Patridgefield.	1 71
3,385		277,184 26	41	97	7,317	45 13

## COUNTY OF NORFOLK.

1,050	Roxbury	\$62,357 70	\$7 93	663	\$8 08
642	Dorchester	39,014 19	4 81	458	4 81
375	Milton	17,784 69	2 37	273	2 50
270	Braintree	14,427 34	2 00	253	2 26
422	Weymouth	20,466 47	2 83	413	3 18
642	Dedham	28,795 85	3 95	459	4 08
188	Brookline	17,593 70	1 99	114	2 00
204	Medfield	8,994 52	1 27	196	1 57
123	Dover	7,138 86	90	128	1 16
237	Stoughton	6,535 36	1 04	232	1 28
200	Sharon	8,932 53	1 16	242	1 48
333	Medway	13,937 36	1 97	276	2 24
278	Walpole	12,128 89	1 59	237	1 69
600	Wrentham	22,835 94	3 12	494	3 39
375	Franklin	16,453 01	2 22	296	2 51
193	Bellingham	8,205 57	1 11	171	1 35
291	Needham	11,839 11	1 66	261	1 81
216	Cohasset	9,902 22	1 33	175	1 50
193	Foxborough	7,976 41	99	187	1 20
267	Quincy	17,668 55	2 14	181	2 20
279	Randolph	10,927 91	1 50	215	1 74
375	Canton	9,121 67	1 54	243	1 57
7,753		373,037 85	49 42	6,167	53 60

## COUNTY OF FRANKLIN.

268	Greenfield	\$12,963 85	\$1 72	259	\$2 10
403	Deerfield	19,360 60	2 56	374	2 84
474	New Salem	14,470 22	2 26	436	2 50
280	Northfield	12,010 77	1 65	252	1 85
224	Wendell	5,658 89	96	165	88
135	Sunderland	4,961 69	72	128	82
241	Montague	6,938 32	1 11	240	1 24
216	Shutesbury	4,744 28	87	195	88
242	Orange	3,544 35	1 26	168	1 20

<i>Polle.</i>	<i>Towns.</i>	<i>Aggregates.</i>	<i>On \$1000, in- cluding Polls, at 2 mills each</i>	<i>Valuation of 1801.</i>	
				<i>Polls.</i>	<i>On \$1000.</i>
291	Warwick	\$10,757 00	\$1 56	276	\$1 92
182	Leverett	4,062 63	74	152	78
217	Charlemont	6,188 25	1 00	181	91
220	Leyden	7,047 75	1 09	203	1 18
194	Heath	4,866 42	83	117	75
403	Ashfield	10,931 84	1 80	274	1 83
175	Bernardstown	7,082 28	99	167	1 16
241	Hawley	5,794 09	1 01	215	1 08
194	Rowe	4,116 96	76	155	74
223	Shelburne	7,892 93	1 17	239	1 42
228	Buckland	6,303 92	1 03	225	1 03
235	Whately	8,703 81	1 26	166	1 14
412	Conway	16,780 77	2 35	456	3 17
158	Gill	4,996 22	77	144	86
448	Colerain	15,061 71	2 26	348	2 27
6,304		210,239 55	51 73	5,565	35 05

## COUNTY OF YORK.

687	York	\$26,623 36	\$3 79	607	\$4 58
410	Kittery	14,977 42	2 18	711	4 79
372	Elliot	13,607 04	1 98	Part of Kittery.	
1,056	Wells	35,429 76	5 33	866	5 70
473	Arundel	17,647 91	2 54	418	2 76
378	Biddeford	13,408 59	1 97	311	2 16
937	Berwick	33,529 62	4 92	840	5 89
436	Lebanon	10,727 78	1 84	349	1 83
366	Sandford	6,913 44	1 35	274	1 35
237	Alfred	6,559 43	1 17	203	1 12
286	Lyman	6,798 70	1 19	243	1 26
289	Phillipsburg	6,754 14	1 19	232	1 11
308	Waterborough	6,292 90	1 18	222	1 15
511	Shapleigh	12,990 53	2 20	363	1 86
180	Newfield	5,412 98	67	118	48
385	Parsonsfild	10,819 79	1 75	270	1 42
401	Limington	8,573 48	1 57	264	1 34
212	Cornish	5,774 77	93	146	72
243	Limerick	7,212 10	1 14	188	1 02
491	Buxton	16,467 96	2 47	403	2 62
635	Saco	24,180 27	3 46	434	3 50
9,293		288,522 07	44 82	7,462	46 66

## COUNTY OF CUMBERLAND.

1,406	Portland	\$91,295 24	\$11 13	1,001	\$11 19
1,050	Falmouth	29,532 52	4 81	756	4 95
831	North Yarmouth	29,481 82	4 34	601	4 15
499	Scarborough	22,018 74	3 1	516	3 75
601	Gerham	17,694 06	2 82	507	2 87
350	Cape Elizabeth	8,412 98	1 48	296	1 60



Polls.	Towns.	Aggregates.	On \$1000, including Polls, at 2 mills each	Valuation of 1801.	
				Polls.	On \$1000.
472	Brunswick	\$15,698 47	\$2 38	428	\$2 44
476	Freeport	15,759 94	2 39	515	3 10
359	New Gloucester	15,217 35	2 11	316	1 71
256	Harpswell	8,982 52	1 34	275	1 60
365	Windham	10,722 83	1 71	259	1 67
335	Standish	9,599 65	1 55	263	1 28
276	Gray	9,500 87	1 43	220	1 18
363	Durham	11,803 07	1 81	290	1 55
186	Poland	4,286 35	77	432	2 49
480	Minot	10,463 28	1 92	Part of Poland.	
289	Otisfield	5,060 63	84	130	66
193	Bridgetown	5,795 39	93	158	88
182	Raymond	3,603 51	70	106	48
133	Baldwin	3,158 24	56	63	35
168	Pownal	4,001 98	70	Part of Freeport.	
165	Pejepscot	3,273 98	63	110	45
92	Harrison	2,317 77	39	Part of Bridgetown	
50	{ Thompson Pond and Shaker Settlement. }	813 88	17	40	14
9,577		338,495 07	49 92	7,294	48 49

## COUNTY OF LINCOLN.

499	Georgetown	\$12,006 87	\$2 09	384	\$2 26
275	New Castle	9,140 76	1 33	206	1 42
257	Woolwich	9,286 91	1 36	224	1 51
486	Wiscasset	21,609 30	2 94	384	3 18
330	Bowdoinham	7,647 83	1 36	167	94
292	Topsham	3,688 13	1 37	202	1 47
372	Boothbay	7,401 38	1 42	260	1 37
646	Bristol	16,932 71	2 83	431	2 74
518	Waldoborough	13,905 76	2 30	327	2 04
281	Edgecomb	7,335 15	1 23	178	1 14
347	Warren	10,388 64	1 64	223	1 49
495	Thomastown	12,924 09	2 16	311	1 91
634	Bath	20,099 37	3 10	330	2 01
292	Union	6,326 86	1 16	200	1 02
358	Bowdoin	6,451 84	1 30	216	1 02
285	Nobleborough	6,469 45	1 16	163	88
135	Cushing	3,284 87	57	227	1 21
377	Camden	8,676 27	1 54	229	1 28
256	Dresden	5,998 70	1 06	167	98
188	Alna	7,281 90	1 04	{ New Milford,	
238	Lewiston	4,969 05	93	173	1 13
419	Litchfield	6,783 81	1 45	193	1 02
356	Lisbon	6,602 72	1 31	221	90
249	St. George	3,669 64	83	239	1 03
183	Hope	3,331 53	67	Part of Cushing.	
178	Palermo	2,977 19	63	{ New Town.	
255	Montville	3,557 94	79	94	47
				{ Great Pond settl.	
				100	54
				{ Davis Town Pl.	
				35	14

Polls.	Towns.	Aggregates.	On \$1000, including Polls. at 2 mills each.	Valuation of 1801.	
				Polls.	On \$1000.
266	Jefferson	\$5,256 42	\$1 01	{ Part of Ballstown 308	\$1 61
109	Friendship	2,301 22	43	New Town.	
217	Whitfield	4,443 50	84	Part of Ballstown.	
79	Putnam	1,662 79	31	New Town.	
96	Wales	1,786 62	35	68	29
72	Appleton Ridge Plant.	1,563 65	29		
38	Montville Plantation	1,053 86	17		
25	Patricktown Plantation	926 85	13		
10	Collamore Ridge Plant.	721 23	08		
10,093		253,464 81	43 23	6,260	37 00

## COUNTY OF KENNEBEC.

443	Augusta	\$10,551 51	\$1 85	276	\$1 52
209	Belgrade	3,447 19	73	136	46
103	Chester ville	2,510 21	44	26	15
231	Clinton	4,757 78	89	130	59
173	Fayette	4,302 84	74	130	59
402	Farmington	9,741 96	1 69	230	1 12
218	Fairfax	4,240 57	82	{ Freetown Planta. 66	30
237	Gardiner	8,259 96	1 23	Part of Pittston.	
257	Greene	7,236 04	1 17	133	74
202	Harlem	4,702 73	83	132	53
484	Hallowell	14,278 35	2 27	295	1 62
276	Leeds	5,365 17	1 04	132	57
288	Monmouth	6,410 16	1 16	183	73
240	Mount Vernon	5,565 68	98	194	83
130	Malta	1,698 96	41	New Town.	
197	New Sharon	4,554 43	81	98	43
213	Pittston	6,457 34	1 01	259	1 53
131	Rome	781 01	33	Part of Mt. Vernon.	
326	Readfield	8,918 12	1 46	216	1 28
370	Sidney	8,995 13	1 56	229	1 07
114	Temple	1,551 22	37	New Town.	
176	Unity	2,978 82	62	{ 25 Mile Pond Pl. 95	40
94	Vienna	2,331 52	40	60	26
450	Vassalborough	13,392 17	2 12	298	1 53
321	Winthrop	10,570 31	1 60	255	1 54
127	West Pond Plantation	1,248 82	37	45	19
191	Wayne	3,584 89	71	93	43
153	Wilton	3,045 05	58	{ Tyngstown Plan. 66	30
166	Winslow	4,946 09	78	353	1 40
293	Waterville	6,716 16	1 20	Part of Winslow.	
46	25 Mile Pond Plantation	400 00	13		
83	Beaverhill Plantation	500 00	21		
54	Bridgeton Plantation	500 00	15		
7,398		174,538 19	30 66	4,130	20 11

## COUNTY OF HANCOCK

Polls.	Towns.	Aggregates.	On \$1000, including Polls at 2 mills each	Valuation of 1801.	
				Polls.	On \$1000.
319	Belfast	\$7,493 76	\$1 32	178	\$0 76
303	Penobscot	7,186 32	1 26	177	89
324	Orrington	7,349 51	1 32	171	92
294	Sedgwick	7,994 55	1 31	196	90
134	Islesborough	3,114 26	55	95	50
164	Blue Hill	5,668 52	84	117	81
106	Trenton	3,380 82	52	115	70
175	Sullivan	3,838 03	70	164	89
121	Goldsborough	5,245 86	72	95	46
228	Vinalhaven	4,190 82	84	167	77
360	Frankfort	8,324 37	1 47	206	89
360	Buckstown	7,661 02	1 42	138	85
283	Prospect	5,587 34	1 07	169	91
288	Hampden	7,573 59	1 26	196	87
265	Castine	11,334 56	1 56	204	1 38
165	Northport	4,270 84	72	124	54
153	Eden	3,351 04	61	94	50
111	Orland	3,291 30	52	73	39
163	Ellsworth	4,055 42	69	47	21
213	Lincolnville	5,552 98	93	145	47
78	Surry	2,365 50	37	{ Plantation No. 6, 50 32	
80	Dixmont	2,551 20	39	New Town.	
65	Eddington	1,547 18	27	33	12
61	New Charleston	1,353 38	24	New Town.	
65	Garland	1,373 32	25	New Town.	
55	Exeter	1,400 12	24	New Town.	
64	Plantations No. 8 and 9	2,045 50	31		
360	Deer Isle	7,792 65	1 43	201	84
244	Bangor	5,660 96	1 01	100	42
347	Mount Desert	4,207 22	88	145	67
25	Carmel	948 50	14	New Town.	
38	Corinth	1,032 60	17	New Town.	
70	Orono	1,373 70	26	New Town.	
163	Green's Plantation	1,294 72	44		
95	Knox Plantation	865 32	27		
43	Lincoln Plantation	672 20	15		
70	Jackson Plantation	877 20	22		
44	Washington Plantation	744 13	16		
61	Swan Plantation	813 60	20		
46	Lea Gore	492 65	14		
51	Township No. 2, 1st R.	1,438 60	23		
33	Township No. 2, 2d R.	929 02	15		
25	Township No. 1, 3d R.	543 45	10		
32	Township No. 2, 3d R.	825 94	14		
32	Township No. 3, 3d R.	690 50	13		
29	Township No. 3, 6th R.	448 23	10		
42	Township No. 4, 7th R.	506 32	13		

<i>Polls.</i>	<i>Towns.</i>	<i>Aggregates.</i>	<i>On \$1000, including Polls, at 2 mills each</i>	<i>Valuation of 1801.</i>	
				<i>Polls.</i>	<i>On \$1000.</i>
36	Township No. 4, East of Penobscot River.	363 32	\$0 10		
71	Moriaville Plantation	728 34	21		
<hr/>					
6,852					
	Township No. 8, between Penobscot River and Lottery Townships; also, a Gore lying north of and adjoining No. 8	478 30	044		
	Township No. 5, 9th Range, granted to the town of Boston.	134 40	012		
	Townships No. 4 and 5, 5th Range, granted to Bowdoin College	662 40	060		
	Township No. 4, 2d Range	406 56	037		
	Part of Township No. 3, on the east side of Penobscot River, granted to J. Southgate	15 00	001		
	Part of Township No. 3, on the east side of Penobscot River, granted to Benjamin Eppes and Company	150 86	014		
	Part of Township No. 3, east of Penobscot River, granted to A. Forbes	12 00	001		
	Twenty-five Townships of Land east of Penobscot River, granted to William Bingham	4,500 00	409		
	Township No. 10, adjoining Steuben, granted to William Bingham	252 00	023		
<hr/>			<hr/>	<hr/>	<hr/>
		168,973 13	29 06	3,400	\$16 98

## COUNTY OF WASHINGTON.

426	Machias	\$11,354 74	\$1 88	241	\$1 22
142	Columbia	4002 78	65	76	35
88	Addison	1,695 40	33	65	36
111	Harrington	2,953 81	49	76	28
143	Jonesborough	2,390 24	50	93	40
45	Cherryfield	1,089 12	19		10
75	Robbinstown	1,555 52	29	New Town.	
285	Eastport	5,054 04	1 03	135	59
144	Lubec	2,655 51	53	Part of Eastport.	
124	Calais	2,156 45	45	New Town.	
125	Steuben	2,588 20	48	52	29
70	Plantation, No. 1	666 34	20		
95	Plantation, No. 2	864 35	27		
34	Plantation, No. 9	377 54	08		
64	Plantation, No. 11	663 82	19		
23	Plantation, No. 12	340 26	08		
1,984					
	Township No. 10, on Passamaquoddy Bay, granted to Aaron Hobart	369 95	034		
	Township No. 14, on Cobscook Bay, granted to Oliver Wendell and others	367 20	033		
	Township No. 13, on Passamaquoddy Bay, granted to Charles Turner and others.	460 80	042		

	<i>Aggregates.</i>	<i>On \$1000, in- cluding Polls, at 2 mills each</i>	<i>Valuation of 1801.</i>	
			<i>Polls.</i>	<i>On \$1000.</i>
Township No. 15, on Cobbescrook Bay granted to Leonard Jarvis & others	287 10	026		
Township No. 13, West of Machias, granted to John Peck	304 64	028		
A Township of Land on the eastern boundary line of the State, adjoining land granted to New Salem Academy—grant made to Williams' College	261 12	024		
Half of Township on the eastern boundary line of the State, adjoining land granted to Groton Acad- emy—originally granted to West- ford Academy	132 48	012		
Half a Township on the eastern bound- ary line of the State, adjoining Land granted to Williams' Col- lege—original grant made to Fram- ingham Academy	132 48	012		
Twenty-five townships of Land east of Penobscot River, grant- ed to William Bingham	4,000 00	354		
Townships No. 11 and 12, adjoining Harrison and Steuben, granted to William Bingham	890 04	081		
	47,611 93	8 302	738	3 59

## COUNTY OF SOMERSET.

<i>Polls.</i>	<i>Towns.</i>				
190	Norridgewalk	\$4,763 80	\$0 81	156	\$0 65
294	Canaan	7,232 23	1 16	157	76
296	Fairfield	6,712 64	1 20	197	85
65	Avon	1,164 55	21	New Town.	
143	Anson	2,822 45	54	158	59
87	Athens	1,678 70	30	{ Kinsmantown P.	
				26	14
109	Cornville	2,514 59	45	60	27
77	Embden	1,597 72	28	New Town.	
62	Freeman	1,109 83	20	New Town.	
76	Harmony	1,398 73	24	{ Vaughantown P.	
				25	12
123	Industry	1,921 10	42	80	33
159	Madison	3,512 90	58	{ Bernardstown P.	
				40	20
116	Mercer	2,063 65	42	New Town.	
110	New Vineyard	2,268 97	43	74	28
86	New Portland	1,827 20	31	{ 7 Mile Brook P.	
				80	33
42	Palmyra	1,213 73	19	New Town.	
189	Starks	3,741 39	70	117	48
108	Strong	2,050 26	38	40	23
66	Solon	1,750 18	29	New Town.	
29	Plantation No. 4, 6th R.	400 00	09		
14	Plantation No. 6, 7th R.	300 00	06		
8	Plantation No. 7, 7th R.	300 00	05		
31	Sebasticook Plantation	500 00	11		

<i>Polls.</i>	<i>Towns.</i>	<i>Aggregates.</i>	<i>On \$1000, in cluding Polls, at 2 mills each</i>	<i>Valuation of 1801. Polls.</i>	<i>On \$1000</i>
35	{ Plantation No. 1, 1st R. east side of Kennebec river }	\$500 11			
15	{ Plantation No. 1, 2d R. east side of Kennebec river }	200 05			
14	{ Plantation No. 1, 1st R. west side of Kennebec river }	200 04			
12	{ Plantation No. 2, 1st R. west side of Kennebec river }	200 04			
15	{ Plantation No. 3, 1st R. west side of Kennebec river }	200 05			
40	Plantation Curvo	750 15			
<hr/> 2,611					
One Million acres of Land, called the Kennebec Tract, granted to William Bingham		13,000 00	1 09		
Township No. 5, 4th Range, north of the Waldo Patent, granted to John Warren		640 00	06		
Part of Township No. 5, 2d Range, north of the Waldo Patent, grant- ed to William Shepherd.		20 00	002		
Township No. 4, 3d Range, north of the Waldo Patent, granted to David Greene		544 00	05		
Part of Township No. 5, 2d Range, north of the Waldo Patent, grant- ed to John Barrett and others		282 88	02		
		<hr/> 69,181 55	<hr/> 11 08	<hr/> 1,210	<hr/> 5 25

## COUNTY OF OXFORD.

512 Paris	\$7,421 17	\$1 29	181	\$0 97
287 Hebron	6,996 99	1 20	191	1 08
279 Turner	8,104 79	1 30	202	1 14
283 Buckfield	7,321 40	1 23	209	97
257 Norway	5,720 33	1 04	127	58
245 Fryeburg	7,330 11	1 16	161	96
196 Waterford	5,173 27	87	135	65
375 Livermore	7,549 57	1 43	177	73
157 Hartford	3,789 28	66	69	35
162 Sumner	3,590 28	65	76	43
202 Bethel	4,072 04	78	130	67
103 Brownfield	1,827 69	38	64	30
255 Jay	6,790 66	1 12	100	55
82 Hiram	1,561 21	31	25	11
156 Rumford	3,482 36	63	56	30
63 East Andover	1,278 29	24	30	16
102 Lovell,	1,904 94	38	50	30
64 Porter	1,244 67	24	25	13
40 Albany	859 75	16	25	13
94 Dixfield	1,429 43	32	40	17
90 Denmark	1,907 67	36		

<i>Polls.</i>	<i>Towns.</i>	<i>Aggregates.</i>	<i>On \$1000, including Polls, at 2 mills each</i>	<i>Valuation of 1801. Polls. On \$1000.</i>
47	Newry	\$1,042 72	\$0 19	
42	Gilead	784 67	16	
46	Plantation No. 3,	485 90	13	
56	Plantation No. 4,	583 40	17	
15	Holmanstown Plantation	523 86	08	
72	Webb's Pond Plantation	1,126 96	26	
30	Lunt's Grant and	673 80	12	
	Thompson Town Pl. }			
10	Howard's Gore Plantation	286 20	04	
4,130				
A tract of Land adjoining Lovell and New Hampshire line, granted to John Bradley and Jonathan Eastman	}	10 40	001	
Township No. 4, between Kennebec and Androscoggin rivers, granted to Benjamin Ames		549 45	050	
Township No. 3, between Kennebec and Androscoggin rivers, granted to Jacob Abbot	}	530 25	048	
Part of Township No. 6, between Kennebec and Androscoggin rivers, granted to Seth Wetmore		432 30	039	
Part of Township No. 7, between Kennebec and Androscoggin Rivers, granted to John Derby	}	567 67	052	
Part of Township No. 8, between Kennebec and Androscoggin Rivers, granted to Sarah Waldo		530 88	048	
A tract of Land adjoining Gilead, granted to Fryeburg Academy	}	327 84	030	
A tract of Land adjoining Lovell, granted to Fryeburg Academy		77 10	007	
Township, Letter D, between Kennebec River and New Hampshire Line, granted to Jona. Gardner	}	384 40	035	
Township, Letter E, between Kennebec River and New Hampshire line, granted to Jona. Cummins		386 40	035	
Township No. 1, 1st Range, between New Hampshire line and Bingham's Million Acres, granted to Moses Abbot	}	424 84	038	
Township, Letter A, No. 1, adjoining New Hampshire line, granted to Phebe Ketcham		546 59	050	
Township, Letter A, No. 2, adjoining New Hampshire line, granted to John I. Holmes	}	544 54	049	
Township No. 2, 1st Range, between New Hampshire line and Bingham's Million Acres, granted to Thomas Service		374 40	034	
Township No. 3, 2d Range, between New Hampshire line and Bingham's Million Acres, granted to William Gilbert and others	}	471 04	043	

	<i>Aggregates.</i>	<i>On \$1000, including Polls, at 2 mills each</i>	<i>Valuation of 1801.</i>	<i>On \$1000.</i>
			<i>Polls.</i>	
Township No. 3, 1st Range, between New Hampshire line and Bingham's Million Acres, granted to Thomas Service.	506 88	\$0 046		
Township No. 4, 3d Range, between New Hampshire line and Bingham's Million Acres, granted to Dunlap & Grant	236 64	022		
Part of Township No. 6, between Kennebec and Androscoggin rivers, granted to Jacob Abbot	88 00	008		
Township No. 3, 3d Range, between New Hampshire line and Bingham's Million Acres, granted to A. Cutter	257 24	023		
Surplus of Townships, Letter C, adjoining New Hampshire, granted to John Peck	244 12	022		
	102,354 42	17 56	2,073	10 68

## AGGREGATES OF COMMONWEALTH.

<i>Polls.</i>	<i>Counties.</i>	<i>Aggregates.</i>	<i>On the \$1000</i>
10,094	Suffolk	\$1,297,132 18	\$138 10
17,723	Essex	1,058,519 69	131 67
13,002	Middlesex	633,489 77	83 58
12,016	Hampshire	417,490 16	61 97
8,538	Plymouth	315,864 27	45 78
8,286	Bristol	321,036 24	45 75
8,142	Barnstable	114,821 14	20 72
719	Duke's County	24,974 21	3 71
2,043	Nantucket	126,268 48	15 57
15,827	Worcester	701,312 75	95 40
8,385	Berkshire	277,184 26	41 97
7,753	Norfolk	373,037 85	49 42
6,304	Franklin	210,239 55	31 73
9,293	York	288,522 07	44 82
9,577	Cumberland	338,495 07	49 92
10,093	Lincoln	253,464 81	43 23
7,398	Kennebec	174,538 19	30 66
6,352	Hancock	168,973 13	29 06
1,984	Washington	47,611 93	8 302
2,611	Somerset	69,181 55	11 08
4,130	Oxford	102,354 42	17 56
167,770		7,310,660 71	1,000 00



## CXXX.

*Resolve on the petition of Isaac Wilkins and others, for services in exploring and making a road from Penobscot to Chaudire river, granting pay. 18th February, 1812.*

On the petition of Isaac Wilkins and Seth Kempton, two of the Commissioners appointed by the Legislature of the Commonwealth of Massachusetts, together with John Davis, for the purpose of exploring and making a road from the tide waters of the river Penobscot, in a direction to the nearest settlement on the river Chaudire, praying that some person or persons, may be appointed to settle and adjust their accounts.

The Committee of both Houses, to whom was referred the above petition, having examined their accounts, ask leave to report the following resolve.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to John Davis, of the plantation of Jackson, two hundred and thirty-six dollars and ninety-five cents; to Isaac Wilkins, of Brownville, five hundred and eighty-two dollars and eighty-one cents; to Seth Kempton, of Hampden, three hundred and thirteen dollars and one cent; and to Isaac Wilkins aforesaid, the further sum of two hundred and eighty-four dollars and eighty-four cents, balance due the Commissioners, by their account of expenses, the several sums before named being in full for their services in exploring the said road, and surveying the same.

*Message from His Excellency the Governor.*

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

In the office of the Secretary of this Commonwealth, are files of newspapers printed in this metropolis, from the first of June last to the present time; and the libellous publications in them have been officially reported at my request, by the joint efforts of the Attorney and Solicitor General. Their report No. 1. will show, that within the period mentioned, ninety-nine libels have been printed in the Scourge, fifty-one in the Columbian Centinel, thirty-four in the Repertory and General Advertiser, thirty-three in the Boston Gazette, eighteen in the New-England Palladium, and one in the Weekly Messenger, making *two hundred and thirty-six* libels, in what are styled

the *Federal* newspapers ; also, eight in the Independent Chronicle, nine in the Boston Patriot, and none in the Yankee, making *seventeen* libels in those denominated the *Republican* newspapers.

In this Commonwealth, there being no statute in regard to libels, they are subject to restraint and punishment by what is called the common law of England, as sanctioned by our Constitution. This provides, "That all the laws which have heretofore been adopted, used, and approved in the province, colony, or state of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the Legislature ; such parts only *excepted*, as are repugnant to the rights and liberties contained in this constitution." And the laws "in full force" include the common law.

"The first ground and chief corner stone of the laws of England (according to the celebrated Blackstone) is general immemorial custom or common law, from time to time declared in the decisions of the courts of justice ; which decisions are preserved among their public records, explained in their reports, and digested for general use, in the authoritative writings of the venerable sages of the law. And those decisions are evidence of what is common law."

Every provision by our statutes, opposed to any rule of the common law, repeals it ; and such other rules thereof "as are repugnant to the rights and liberties contained in the constitution," but not specifically revoked by such statutes, add to what is sometimes called "the glorious uncertainty of the law."

If the Supreme Judicial Court are, as cases may occur, by their decisions to declare, what maxims or rules of the common law "are repugnant to the rights "and liberties contained in the constitution," it may be well to consider the result, as it will affect the lives, liberties, and property of the citizens of this Commonwealth ; and other important points.

The constitution declares, "That it is the duty of the people, in framing a constitution of government, to provide for an equitable mode of *making* laws, as well as for an impartial *interpretation* and a faithful *execution* of them, that every man may at all times find his security in them." But the powers of making, interpreting, and executing the laws, when vested in any man or body of men, forms a complete tyranny, and the two first powers thus exercised will approach it. Our constitution therefore has wisely provided, "That in the gov-

ernment of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws and not of men."

That the Legislature has a right, by a declaratory act, to ascertain such exceptions of the common law as are repugnant to the constitution, will it is presumed not be denied, neither will it probably be contended, that, in similar cases this has been the practice, or that it is a mode the most prompt and best adapted to render the law clear and certain. If there exists then in the Judicial Department, a concurrent, for there cannot be an exclusive authority, in regard to this point, will not the important constitutional provision, for keeping the three great departments distinct, be thus far defeated?

The learned Judge referred to, states, that "statutes are declaratory, where the old custom of the kingdom is almost fallen into disuse, or become *disputable*, in which case, the parliament has thought proper, in perpetuum rei testimonium, and for avoiding all doubts and difficulties, to declare what the common law is, and ever has been." Thus in England, the source of the common law, the Legislature when an old custom is almost in disuse, or is *disputable*, declares what is law. But does it appear that their judiciary are permitted to do this? If then the judiciary of this Commonwealth is left to declare, by its decisions, what "*disputable*" parts of the common law are excepted by the constitution, will it not, under the form of a judicial, exercise a legislative authority?—But will not other serious consequences flow from such an exercise of power, by the judiciary? Municipal law is defined, "to be a rule of *civil conduct*, prescribed by the supreme power in a state, commanding what is right, and prohibiting what is wrong." And how is a citizen to govern his "*civil conduct*" by the common law, if he has a thorough knowledge of it, when it may be altered by the Judge, at the moment he is to pronounce a sentence, which may affect the life, liberty or property of such a citizen? If the common law, according to the practice in England, would justify a citizen, but according to a decision of our Judicial Court, by which that law shall be materially altered on his trial, should condemn him, would not that citizen be thus in effect sentenced by an *ex post facto* or retrospective law? For how could he know what the law is, until after his sentence? And if it can be conceived, that

the Judges should be thus left to modify the law, must not the slow process of their decisions, perpetuate the uncertainty of the law, and render it impossible for good citizens to ascertain the duties to be performed by them, in society?

The common law, in regard to libels, as it exists in this Commonwealth, in the opinion of the Supreme Judicial Court, is stated in the fourth volume of Tyng's Reports, page 168, in the case of the Commonwealth against William Clap. And the Hon. Judge Parker, has been explicit on the subject, in his charge to the Grand Jury, at the last term of the Supreme Judicial Court in Suffolk. The manuscript of the charge was, by order of the Judge, to have been delivered to me by the printer, but was accidentally lost, or destroyed by him. The Attorney General conceives that the charge is correctly printed in the Boston Patriot, numbered 2, amongst the documents to be delivered by the Secretary.

The honourable Judge Parker in his charge states, that "a more important variance, (than had been by him mentioned) "from the strict common law principles, relating to libels, has lately been adopted here, as resulting *from the nature of our government*, and the express provision of our constitution; this is, that in trials of indictment for libels, upon persons holding offices, which depend upon an election by the people, or permitting themselves to be candidates for such offices, the accused is permitted to give the truth in evidence." The Judges have not confined themselves, in their variance from the common law, "to the express provisions of our constitution, as it is conceived they ought to have done," but have taken an indefinite rule for their conduct, namely, "the nature of our government." They have also implied, if not expressed, that in the support of libels upon Judges, and executive officers not elected by the people, the truth is not to be given in evidence; but their reasons for these positions are not stated. "If a bad man is at any time held up for the office of Governor, Senator, or Representative," it may be desirable, as Judge Parker states, "to let the people know, through the medium of the press, that they cannot elect such a man, without disgracing or ruining themselves." And is it not equally true, that if there are in office bad Judges, they ought to be placed precisely on the same ground; that their mal-practices being publicly exposed, may meet prompt investigation, and produce their removal and punishment? Can it be contended, that as great a proportion of Judges, as of other public functionaries, in all countries and ages, have been bad men, although by their pro-

essional address they may have been more successful in escaping punishment? and if the conduct of a Judge is to be exempt from the press, may not the judicial department, by the power which they are now exercising, and by the doctrines which are, and may be promulgated by them, establish an unconstitutional and dangerous influence in the state?

The three great departments of government ought to be filled by men of abilities and integrity, and to be mutually disposed to the support of each other, and of the national government; but no powers ought to be given to good Judges, unless indispensibly necessary, which may be abused by such as are bad. And if the judicial department of the state should at any time consist of bad men, who are desirous to oppose and overthrow the national and state governments, or either of them,—to favour or frown on individuals according to their political opinions,—to punish severely one citizen, and lightly another, for the same offence,—to protect the guilty and punish the innocent, or to commit, under the garb of justice, any other atrocities,—ought not such *mal-practices* to be exposed by the press, in order to procure the removal of every such offender from office, as well as the misconduct of individuals, who are in or may be candidates for offices, to prevent their elections by the people? Chief Justice Parsons, in the case mentioned, affirms, “It would be unreasonable to conclude, that the publication of truths, which it is the interest of the people to know, should be an offence against law.” And is it not for the interest of the people to know, and through the medium of the press constantly to receive information of the mal-practices, if any there be, of every Judge, and to unite their public efforts, for presenting facts to the Grand Inquest of the Commonwealth, for impeaching, and to the Senate for removing such heinous offenders?

By the letter of the Attorney General, No. 3, it appears, “That four bills of indictment were found by the Grand Jury of Suffolk against the printer of the Scourge for libels, who plead guilty to them all, and was sentenced to six months imprisonment in the county gaol—That four indictments were found against the vender of the same libels, who, having plead not guilty, was tried on one of them, found guilty, and fined fifty dollars, and recognised to keep the peace for twelve months—That two bills were found against the editors and publishers of the Independent Chronicle for libels, to which they plead not guilty, but were afterwards found guilty, and sentenced to two months imprisonment—That presentments were also made to

the Grand Jury against the editors and publishers of the Columbian Centinel, of the New-England Palladium, of the Repertory and General Advertiser, and of the Boston Gazette—that other presentments were made of the editor of the Scourge; all for supposed libellous matter in their respective newspapers—and that to all these presentments the Grand Jury returned no bills.

It will also appear by the report of the Attorney General, and Solicitor General, that “of the two hundred and fifty-three libellous publications mentioned in it, fifteen of them bear date subsequent to the dismissal of the Grand Jury,” and that of the two hundred and thirty-eight remaining libels, bills of indictment were found against ten only.

Such are the principles and effects of the common law, in regard to libels: and whether it is best adapted to the punishment or to the encouragement of them, the Legislature can best determine. Those are the means by which the depraved and profligate part of the community, are making great efforts to reduce to a level with themselves, such as have governed their conduct by correct principles.

When it is considered that the common law of England, often inconsistent and contradictory, has its origin as early as the tenth century, that the customs on which it was then founded, had existed time immemorial; that of that distant age and region, most of the maxims and rules are inapplicable to the present times and country; that the citizens at large of this Commonwealth never were and never can be duly informed of that law, recorded as it is in the numerous volumes of immense law libraries; are not statutes indispensable to prevent an increase of the uncertainty of the law, until it shall by our own code be rendered no longer necessary, and to guard against the evils which do and may result from the circumstances referred to? In stating them, I have had no intention to implicate any officer, and hope for the indulgence of the Legislature, if on any points they should entertain different opinions.

The Supreme Executive, on a petition from the printer of the Scourge, representing the danger his life was in by his confinement, have pardoned him; and on a petition of one of the editors of the Independent Chronicle, supported by several others from a great number of the respectable inhabitants of Boston and Charlestown, and a letter from the Hon. Chief Justice Parsons, pardoned that editor. These documents are numbered from 4 to 7.

I regret, gentlemen, that circumstances, beyond my control, prevented this communication at an early period of your ses-

sion; the subject is too important, in my mind, to pass unnoticed; and, although it may not be the cause of immediate effects, may yet excite attention and produce them at a future period.

E. GERRY.

*Council Chamber, 27th February, 1812.*

### Report of the Attorney and Solicitor General.

*To His Excellency Elbridge Gerry.*

SIR,

In obedience to your request of the 8th instant, we have carefully examined all the Newspapers, printed in the town of Boston since the first of June, which were submitted to us, and which we found deposited in the Secretary's office, and the result of that examination is herein submitted. We found in examining the *Centinel*, that it contained matters, in our opinion, libellous in the following instances.

#### CENTINEL.

Libels at Common Law, where the truth cannot be given in evidence, in justification of the party accused.

June 1,	1811,	No. 1
June 19,	--	7
July 17,	--	17
Aug. 3,	--	24
Aug. 31,	--	32
Sept. 11,	--	33
Sept. 14,	--	34
Oct. 9,	--	36
Oct. 12,	--	37
Oct. 23,	--	38
Nov. 27,	--	46
Jan. 11,	1812,	49
Feb. 8,	--	51

Libels in which, by the Common Law of Massachusetts, as declared by the Supreme Judicial Court, the truth may be given in evidence, in justification of the party accused.

June 12,	1811,	No. 2
June 15,	--	3 and 4
June 19,	--	5 and 6
June 22,	--	8 and 9
June 26,	--	10 and 11
June 29,	--	12
July 3,	--	13
July 10,	--	14
July 13,	--	15 and 16
July 17,	--	18
July 24,	--	19 and 20
July 27,	--	21
July 31,	--	22
Aug. 3,	--	23
Aug. 7,	--	25
Aug. 10,	--	26
Aug. 14,	--	27
Aug. 17,	--	28 and 29
Aug. 21,	--	30
Aug. 28,	--	31
Sept. 25,	--	35
Oct. 26,	--	39
Oct. 30,	--	40

Nov. 2,	1811.	41
Nov. 6,	--	42
Nov. 9,	--	43
Nov. 16,	--	44
Nov. 23,	--	45
Dec. 18,	--	47
Jan. 4,	1812,	48
Feb. 5,	--	50

## CHRONICLE.

## Libels at old Common Law, &amp;c.

June 6,	1811,	No. 1
June 17,	--	2
Aug. 5,	--	3
Aug. 22,	--	4
Aug. 26,	--	5
Oct. 28,	--	6
Nov. 21,	--	7
Nov. 25,	--	8

## Libels at Common Law of Massachusetts.

None.

We had no Chronicles beyond the  
5th of December.

## REPERTORY.

## Libels at old Common Law, &amp;c.

June 14,	1811,	No. 4
June 18,	-- 5, 6, 8, and 10	
June 28,	--	13
Sept. 3,	--	14
Sept. 6,	--	17
Sept. 13,	--	18
Sept. 20,	--	19
Jan. 3,	1812,	26
Jan. 7,	--	27
Jan. 10,	--	28
Feb. 7,	--	34

## Libels at Common Law of Massachusetts.

June 11,	1811,	No. 1
June 14,	--	2 and 3
June 18,	--	7 and 9
June 21,	--	11 and 12
Sept. 3,	--	15
Sept. 6,	--	16
Oct. 29,	--	20
Nov. 5,	--	21
Nov. 8,	--	22
Nov. 12,	--	23
Nov. 15,	--	24
Nov. 22,	--	25
Jan. 14,	1812,	29
Jan. 17,	--	30
Jan. 21,	--	31
Jan. 24,	--	32
Feb. 4,	--	33

We had no Repertories of July,  
August, or December,

## BOSTON PATRIOT.

## Libels at old Common Law, &amp;c.

June 19,	1811,	No. 1
July 24,	--	2
July 31,	--	3
Aug 17,	--	6
Oct. 12,	--	7
Nov. 2,	--	8
Dec. 21,	--	9

## Libels at Common Law of Massachusetts.

Aug. 3,	1811,	No. 4
Aug. 14,	--	5



## THE YANKEE.

None.

None.

## BOSTON GAZETTE.

Libels under the old Common Law.

June 24,	1811,	No. 11
June 27,	--	13
July 18,	--	20 and 21
Sept. 12,	--	28
Sept. 16,	--	29

We had no Gazettes for August.

Libels under the Common Law of Massachusetts.

June 10,	1811,	No. 1
June 13,	--	No. 2, 3, 4, 5, 6, 7, and 8
June 17,	--	No. 9
June 20,	--	10
June 27,	--	12
July 1,	--	14
July 4,	--	15
July 8,	--	16
July 15,	--	17, 18, and 19
July 18,	--	20, 21
July 22,	--	23
July 29,	--	24 and 25
Sept. 5,	--	26
Sept. 12,	--	27
Oct. 7,	--	30
Nov. 7,	--	31
Nov. 11,	--	32
Jan. 30,	1812,	33

## NEW-ENGLAND PALLADIUM.

Libels under old Common Law.

June 14,	1811,	No. 6
June 18,	--	7, 8, and 9
June 28,	--	13

From July to December inclusive there were no Palladiums in the Secretary's office, but we borrowed a set of those papers including those months, which were returned to the owner, and are not accompanying this report.

Libels under Common Law of Massachusetts.

June 11,	1811,	No. 1, 2, & 3
June 14,	--	4 and 5
June 21,	--	10
June 25,	--	11 and 12
July 30,	--	14
Aug. 13,	--	15
Aug. 27,	--	16
Jan. 24,	1812,	17
Jan. 28,	--	18

## WEEKLY MESSENGER.

| Feb. 7, 1812, No. 1

## THE SCOURGE.

Libels under old Common Law.

Aug. 10,	1811,	No. 1, 6, 8, and 9
Sept. 4,	--	No. 11
Sept. 25,	--	No. 13, 14, 15, 17, and 18

Libels under Common Law of Massachusetts.

Aug. 10,	1811,	No. 2, 3, 4, 5, and 7
Sept. 4,	--	No. 10
Sept. 25,	--	No. 12

Oct. 3,	1811, No. 19, 21, 23, 25	Oct. 3,	1811, No. 20, 22, 24
Oct. 9,	-- No. 26, 27, 28, 29	Oct. 19,	-- No. 31, 33
Oct. 19,	-- No. 30, 32		
Oct. 29,	-- No. 34, 35, 36, 37	Nov. 2,	-- No. 39, 40, 41
Nov. 2,	-- No. 38	Nov. 9,	-- No. 51, 53, 57, and 63
Nov. 9,	-- No. 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56, 58, 59, 60, 61, 62, 64, 65, 66 and 67		
Nov. 16,	-- No. 69, 70, 72, 74, 76, 77, 80, 81, 82, 83, 85, and 86	Nov. 16,	-- No. 68, 71, 73, 75, 78, 79, and 84
Nov. 27,	-- No. 87, 88, 89, 90, 91, 92, 94, 95, and 96	Nov. 27,	-- No. 93, 95
Dec. 11,	-- No. 97, 98	Dec. 28,	-- No. 99

In the foregoing statement, we have taken no notice of any scandal, or calumnious publications against any foreign government or distinguished foreigners, although according to the strict rules of the law of libels, such publications might be considered libellous, while the United States are in a state of amity with such foreign nations.—We have also forbore to notice any aspersions from the editors of the different papers, upon their brethren of the type.

Where we have marked any part of a publication as libellous, the whole of the paragraph or publication is to be considered a part of this report, although the grosser sentences of them only are marked.

It may be worthy your Excellency's notice, that the Grand Jury of the county of Suffolk were dismissed about the first of January ult.; and that of the *two hundred and fifty-three* libellous publications stated in this report, *only fifteen* of them bear date subsequent to that period.

All which is respectfully submitted by your Excellency's most obedient and very humble servants,

PEREZ MORTON, *Attorney General.*

DANIEL DAVIS, *Solicitor General.*

*Boston, February 20th, 1812.*

## CXXXI.

*Resolve on the petition of Nathan Benson, directing the agents on eastern lands, to sell him a lot of land. 25th February, 1812.*

On the petition of Nathan Benson, stating that he lives on a lot of land, numbered ten, in the sixth range of lots in the town of Sumner, in the county of Oxford, the property of the Commonwealth, praying a privilege that he may have said lot confirmed to him, upon paying what may be deemed just and reasonable.

*Resolved*, That the agents for the sale of eastern lands be, and they are hereby authorized to sell and convey to the said Nathan Benson, his heirs and assigns, all the right, title, and interest of said Commonwealth in and unto said lot number ten, in the sixth range, in the town of Sumner, upon such terms and conditions as the said agents shall think just and reasonable under existing circumstances.

## CXXXII.

*Resolve on the petition of John Walker, making valid an affidavit. 25th February, 1812.*

On the petition of John Walker, of Burlington, in the county of Middlesex, administrator on the estate of Joseph Hill, late of Billerica, in said county, deceased, stating that he neglected to make his affidavit of his proceedings, relating to the sale of the real estate of said deceased, and file a copy of his advertisement of the time and place of sale in the Probate office of said county within seven months after the sale, as by law is provided; but that he has since done the same, and praying that the same may be considered as valid. Therefore,

*Resolved*, That the affidavit of said administrator, made and recorded in the Probate office of said county, on the twenty-ninth day of January, A. D. 1812, and also a copy of said notifications filed in said office, shall be considered as valid in law, and have the same effect and force, and be used in all cases whatever, as if the same had been made and recorded in said Probate office, within seven months after the day of said sale.

## CXXXIII.

*Resolve authorizing John Fox to sell estate of Thomas Bayley, deceased. 25th February, 1812.*

Upon the petition of John Fox, of Boston, in the county of Suffolk, merchant, executor of the last will and testament of Thomas Bayley, lately of said Boston, gentleman, praying for authority to convey all the real estate of said deceased, lying in said Boston, according to the manifest intention of said testator.

*Resolved*, That the prayer of said petition be, and it is hereby granted, and said executor (John Fox) is hereby authorized and empowered to make sale of all or any parts of the real estate of said Thomas Bayley, deceased, lying in said Boston, whenever said executor shall find it expedient so to do, either at public or private sale, as to him shall appear best; first, however, receiving the written approbation of the Judge of Probate of said county, to be recorded in the Probate office, and giving bond to said Judge to his satisfacton, conditioned to appropriate the proceeds of sale of said estate according to law, and the directions in said will expressed; and said executor is hereby authorized to make, execute, and deliver to any purchaser or purchasers, such conveyance, by deed, as said testator could have done, if living.

## CXXXIV.

*Resolve on the petition of Elkanah Hewins, granting \$45. 25th February, 1812.*

On the petition of Elkanah Hewins, a private soldier in a company of militia, in the town of Sharon, praying for compensation for a wound which he received, while on military duty, on the third day of October, in the year of our Lord one thousand eight hundred and eleven.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid to said Elkanah Hewins, out of any monies in the treasury of this Commonwealth, not otherwise appropriated, the sum of forty-five dollars, as a compensation for the time lost and money expended in consequence of said wound, and his Excellency the Governor, with the advice of council, is hereby authorized to draw his warrant on the treasury for said sum.

## CXXXV.

*Resolve on the petition of William Thompson, of Charlestown.*  
25th February, 1812.

On the petition of William Thompson, of Charlestown, in the county of Middlesex, Esquire, stating that the Selectmen of Cambridge, in the year of our Lord one thousand eight hundred and eight, laid out a town way, beginning near the house of his Excellency Elbridge Gerry, and passing over the lands of said William to another highway, near Mrs. Kneeland's, which road was accepted by said town, but no damages were awarded him for his lands so taken, and no compensation has been received by him for the same, and that he has lost his law, by not applying to the Court of Sessions, within one year after the establishment of said way, and praying to be restored to the same.

*Resolved*, for reasons stated in said petition, That the said William Thompson be, and he hereby is authorized to make applications to the Court of Sessions next to be holden within and for the county of Middlesex, for a Jury to assess the damages done him by laying out the town road aforesaid; and the said Court of Sessions are hereby authorized to sustain said application and grant such proceeding thereon as may be necessary to assess the damages done him by laying out said road over his land as aforesaid, in the same manner they might by law have done, if said application had been made within the time prescribed by law. *Provided however*, if the Jury who assess the damages done said William, by the laying said road, shall not award to the said William more than two hundred dollars, the costs of said application, and all other costs incurred on that occasion, shall be paid by said William; and the said Court of Sessions are hereby directed and authorized to tax the same accordingly.

## CXXXVI.

*Resolve directing the Committee on the Pay Roll to make up the pay of the members from Rehoboth.* 26th February, 1812.

*Resolved*, That the Committee on the Pay Roll be directed to allow and make up the pay of the Representatives from the town of Rehoboth, according to their request.

## CXXXVII.

*Resolve appropriating \$500 for John Jenkins.* 26th February, 1812.

*Resolved,* That five hundred dollars be placed in the hands of the Committee, in the case of John Jenkins, for aiding him in bringing his improved invention in the art of writing before the public, and his Excellency the Governor is hereby requested to draw a warrant on the treasury of this Commonwealth for that sum, in favour of said Committee, to enable them to commence the publication of said work, should they judge it expedient to commence the same, before the next session of the Legislature, and apply to his Excellency for the same, for which the said committee are to be accountable.

## CXXXVIII.

*Resolve granting county taxes.* 26th February, 1812.

Whereas the Treasurers of the following counties have laid their accounts before the Legislature, which accounts have been examined and allowed. And whereas the clerks of the Courts of Common Pleas, for the said counties, have exhibited estimates made by the said courts, of the necessary charges which may arise within the said several counties for the year ensuing, and of the sums necessary to discharge the debts of the said counties.

*Resolved,* That the sums annexed to the several counties contained in the following schedule be, and the same are hereby granted as a tax for each county respectively, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid, according to law.

Suffolk, twenty-five thousand dollars.	-	-	\$25,000
Essex, eighteen thousand dollars.	-	-	18,000
Middlesex, nine thousand dollars.	-	-	9,000
Norfolk, four thousand dollars.	-	-	4,000
Plymouth.			
Bristol, three thousand dollars.	-	-	3,000
Barnstable, two thousand five hundred dollars.	-	-	2,500
Dukes' County.			
Nantucket.			
Worcester, four thousand dollars.	-	-	4,000
Hampshire, fifteen hundred dollars.	-	-	1,500

Franklin.

Berkshire, three thousand dollars. - - - - \$3,000

York, four thousand dollars. - - - - 4,000

Cumberland.

Lincoln, four thousand six hundred and fifty dollars. 4,650

Kennebec, seven thousand seven hundred and fifty  
dollars. - - - - 7,750

Oxford, two thousand dollars. - - - - 2,000

Somerset, one thousand three hundred dollars. - 1,300

Hancock, five thousand dollars. - - - - 5,000

Washington.

### CXXXIX.

*Resolve for paying the posting on valuation returns.*  
26th February, 1812.

*Resolved*, That there be allowed and paid out of the public treasury, to Benjamin Homans Esq. Secretary of the Commonwealth, the sum of one hundred and seventy-six dollars and eight cents, to enable him to defray the expenses of postage of letters, packages, and returns, relative to the valuation from several towns in this Commonwealth, made to his office through the post office in the town of Boston; and his Excellency the Governor, with the advice of council, is hereby requested to draw his warrant on the Treasurer for said sum.

### CXL.

*Resolve granting \$80 to Justus Williams for conveying convicts from Northampton to the State Prison.* 26th February, 1812.

On the petition of Justus Williams, of Amherst, in the county of Hampshire, praying compensation for his services and expenses in transporting certain persons from the gaol in Northampton to the State's Prison in Charlestown, pursuant to the sentence of the Supreme Judicial Court.

*Resolved*, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth, to the said Justus Williams, the sum of eighty dollars, in full compensation for his services, and for carriages and assistants by him furnished, and cash paid for expenses in transporting William Smith, Dwight Brackenridge and Alexander Stewart, from

the gaol in Northampton to the State's Prison in Charlestown, and that his Excellency the Governor be authorized and requested to draw his warrant on the Treasurer therefor.

## CXLI.

*Resolve directing the Committee on the Pay Roll to make up the pay of the Representatives from Waldoboro', for 1810.*  
27th February, 1812.

*Resolved*, That the Committee on the Pay Roll be directed to allow and make up the pay of the Representatives from the town of Waldoboro', for the year eighteen hundred and ten, and that the amount of the attendance of said Representatives be charged to the said town of Waldoboro', in the next state tax.

## CXLII.

*Resolve on petition of inhabitants of Plymouth, allowing one year more for locating a township.* 27th February, 1812.

On the petition of the inhabitants of the town of Plymouth, praying further time to locate a township of land granted to them by a resolve dated February 24th, 1808.

*Resolved*, That, for reasons set forth in said petition, a further time of one year from this date be, and hereby is allowed to said inhabitants to locate said Township; and the agents for the sale of eastern lands are hereby directed to govern themselves accordingly, any thing in said resolve to the contrary notwithstanding.

## CXLIII.

*Resolve directing the Attorney or Solicitor General to institute an Inquest of Office for recovery of rocks, ledges, islands, &c. on Penobscot River, lately belonging to the Indians; to settle with present possessors and giving further powers to superintendant of Indian affairs; and also granting \$100 to Attorney or Solicitor General.* 27th February, 1812.

Upon the petition and representation of certain Indians calling themselves the governor and chiefs of the Penobscot tribe, setting forth their right and claim to the fisheries



upon certain rocks and small islands near to and below Old Town falls (so called) in Penobscot River ; and whereas it appears to this Legislature, that sundry rocks, ledges, and small islands, situated in said Penobscot river, between the said Old Town falls and Nicholas' rock (so called) have been sold and conveyed by Salem Towne Esq. under a mistaken construction of a resolve of the Legislature made and passed on the second day of March in the year of our Lord one thousand seven hundred and ninety-eight ; and it also appearing that the further interposition of the Legislature is necessary to quiet the Indians of the said Penobscot tribe, and to protect their interest, and preserve the timber in and upon the islands in said Penobscot river, above Old Town, and upon the lands belonging to the Commonwealth situated on each side of said Penobscot river. Therefore,

*Resolved*, That, in the opinion of this Legislature, the said Salem Towne Esq. was not authorized by the said resolve of the second of March, A. D. 1798, to make sale of any of the rocks, ledges, small islands or fishing privileges in said Penobscot river, situated between the said Old Town falls and Nicholas' rock, and that it was not the intention of the Legislature, that said rocks, ledges, small islands, or fishing privileges, should be sold or conveyed by virtue of the resolve aforesaid.

*Resolve<sup>d</sup>*, That the Attorney or Solicitor General be, and they, or ee pr of them, are hereby authorized, empowered and directed, Bunstitute and prosecute an inquest of office, or any other legal process, in the name of the Commonwealth, to recover possession of any or all of the rocks, ledges, fishing privileges and islands (except Marsh's Island) situated between said Old Town falls and Nicholas' rock, in the river aforesaid, against any person or persons in possession of the same.

*Resolved*, That the said Attorney or Solicitor General, or either of them, be, and they are hereby authorized and empowered, either by themselves or their agents, by them or either of them, for that purpose duly and legally appointed, to adjust, compromise and settle all disputes between the Commonwealth, and all or any of the persons in possession of the rocks, ledges, islands and fishing privileges aforesaid, upon such terms and conditions as they shall consider just and reasonable.

And whereas the powers and instructions heretofore given to the superintendant of Indian affairs for the said Penobscot tribe, appear to be insufficient to enable him to prevent the numerous and wanton trespasses which are annually committed upon the lands of the Commonwealth, situated upon each side of

said Penobscot river, and upon the islands in said river situated above said Old Town, which are claimed by said Penobscot Indians. Therefore,

*Resolved*, That, in addition to the authority and power vested in said superintendant by the resolves of the Legislature now in force, the said superintendant for the time being be, and he is hereby authorized, empowered and directed, that when and so often as he shall find any trees, mast, or timber of any description whatever, lying, being, and remaining upon any of the Commonwealth's lands situated upon each side of said Penobscot river, or upon any of the islands in said river, situated above Old Town, which have been unlawfully cut, felled, hewn or otherwise prepared for use upon the lands or islands last mentioned, to seize the same in the name and for the use of the Commonwealth; and the said trees, masts and timber so seized, to sell and dispose of at public or private sale as the said superintendant shall judge most for the interest of the Commonwealth, he to render a just and true account of the proceeds of such sales annually to the General Court; and the said superintendant is hereby further authorized and directed to remove any of the masts or timber which he may seize and take into his possession by virtue hereof to any place or places upon said Penobscot river, to make sale thereof whenever he shall think the interest of the Commonwealth, or the price of said masts and timber may be enhanced thereby.

*Resolved*, That there be paid out of the treasury of the Commonwealth to the said Attorney or Solicitor General, the sum of one hundred dollars, to enable them to carry into execution the provisions of this resolve, they to be accountable for the same.

#### CXLIV.

*Resolve on the petition of Benjamin Ames Esq. granting \$61..22.*  
27th February, 1812.

On the petition of Benjamin Ames Esq. praying compensation for services rendered by order of the Attorney General in relation to the suit against the Pejepscot proprietors.

*Resolved*, That, for reasons set forth in said petition, there be allowed and paid out of the treasury of this Commonwealth to the said Benjamin Ames, the sum of sixty-one dollars twenty-two cents, in full for said services and expenses.

## CXLV.

*Resolve for allowance to the Committee on Accounts.*  
28th February, 1812.

*Resolved*, That there be allowed and paid out of the public treasury to the Committee appointed to examine and pass on accounts presented against the Commonwealth, for their attendance on that service during the present session, the sums annexed to their names, in addition to their pay as members of the Legislature.

Hon. Nathan Willis, forty days, forty dollars.

Hon. Silas Holman, forty-four days, forty-four dollars.

Nathan Fisher, forty-two days, forty-two dollars.

Jonas Sibley, forty days, forty dollars.

James Robinson, forty-four days, forty-four dollars.

Which sums shall be in full for their services aforesaid respectively.

## CXLVI.

*Resolve on the petition of Amos Sargent, guardian to Stephen Bucknam.* 28th February, 1812.

On the petition of Amos Sargent, of Malden, guardian of Stephen Bucknam, of said Malden, a spendthrift, and Elizabeth Bucknam, wife of said Stephen, stating that the said Stephen has not personal estate sufficient to pay his debts, that he has the use of real estate the fee of which is in his said wife, but there is no provision by law by which the same can be sold by said Stephen or his guardian for the payment of the debts of said Stephen, and praying relief in the premises. Therefore,

*Resolved*, That the said guardian of said Stephen be, and he hereby is authorized to join with the said Elizabeth in the conveyance of any part of the real estate of said Elizabeth to the amount of three hundred and fifty dollars, for the payment of the debts of said Stephen; and such conveyance so made by said Amos, the guardian of said Stephen, together with the said Elizabeth, shall operate as a conveyance of all the interest which said Stephen has in said land, in as full and ample a manner as though made by said Stephen, if he was not under guardianship as aforesaid; he the said guardian to account with the Judge of Probate for the county of Middlesex, for all the money received by him for the land to be sold as aforesaid.

## CXLVII.

*Resolve on the petition of the Selectmen of Ellsworth—their doings confirmed.* 28th February, 1812.

*Resolved,* That all the doings of the Selectmen and Assessors of the town of Ellsworth for the present year shall hereafter be as valid, to all intents and purposes, as they would have been, if all the said Selectmen and Assessors had been legally chosen.

## CXLVIII.

*Resolve granting the Secretary \$220, to pay assistant clerks.* 28th February, 1812.

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth to Benjamin Homans Esq. Secretary, the sum of two hundred and twenty dollars, to enable him to pay such assistant clerks as he may have employed to expedite the public business in his office, he to be accountable for the expenditure thereof.

## CXLIX.

*Resolve in favour of Mr. John Perry, Assistant to the Messenger of the General Court.* 28th February, 1812.

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth to John Perry, an assistant to the Messenger of the General Court, one dollar per day during the present session of the Legislature, over and above the usual allowance to him.

## CL.

*Resolve for paying the Page to the House of Representatives.* 28th February, 1812.

*Resolved,* That there be allowed and paid out of the treasury, to the messenger, to be by him paid over to Stephen Hall Tower, one dollar per day, for each day he the said Tower shall have attended as page, the present session of the General Court,

## CLI.

*Resolve on the petition of Joseph Killgore, directing the continuance of actions commenced by the Pegypscot proprietors.*  
28th February, 1812.

Whereas inquests of office have been commenced in the counties of Cumberland, Lincoln and Kennebeck against the Pegypscot proprietors, to put the Commonwealth in possession of their land, on both sides of the Androscoggin river above the uppermost of the pitches of the falls at Brunswick, and it being ascertained that suits are now pending between the said proprietors and the occupants of said land. Be it therefore

*Resolved*, That all actions which are now pending in any of the Courts of this Commonwealth commenced by the Pegypscot proprietors, or persons claiming under them, for any lands lying within the towns of Durham, Pegypscot, Minot, Green, Lewistown, Lisbon, Bowdoin, Litchfield, and the plantation of Wales, or which may hereafter be commenced in relation to the same lands, shall be continued without cost to either party, until the actions are finally determined between the Commonwealth and the said proprietors.

## CLII.

*Resolve in favour of Warren Chase, assistant to the Messenger of the General Court.* 28th February, 1812.

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Warren Chase, Assistant to the Messenger of the General Court, one dollar per day, during the present session of the Legislature, over and above the usual allowance to him.

## CLIII.

*Resolve in favour of Silvanus Lapham, Assistant to the Messenger of the General Court.* 28th February, 1812.

*Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth unto Silvanus Lapham, Assistant Messenger to the General Court, one dollar per day, during the present session of the Legislature, over and above the usual allowance to him.

## CLIV.

*Resolve on the petition of Cuby Vassall, granting an annual pension. 28th February, 1812.*

Whereas it appears that a resolve passed the Legislature on the eighth day of February, in the year of our Lord seventeen hundred and eighty-one, by which there was ordered to be allowed and paid out of the public treasury the sum of twelve pounds annually to Anthony Vassall, late husband of the petitioner, and that the same was so allowed in consideration that the petitioner had been the domestic slave of John Vassall Esq. an absentee, whose estate had been confiscated and sold, and the proceeds thereof paid into the public treasury, for the support and subsistence of said Anthony and Cuby and their family, and in lieu of a small tenement and plat of land, part of the estate of said John Vassall Esq. in Cambridge, occupied by them. And whereas it appears that said Anthony died in October last, but that the reasons for granting the said annuity still remain in full force. Therefore,

*Be it resolved,* That there be allowed and paid out of the public treasury of this Commonwealth to the said Cuby Vassall, the sum of forty dollars, which would have been due and payable under, and by virtue of the resolve aforesaid, to her late husband, Anthony Vassall, on the sixth day of February of the present year, and that there be allowed and paid as aforesaid to her the further sum of forty dollars annually, on the sixth day of February, until the further order of this Court.

## CLV.

*Resolve granting the Agents for the sale of Eastern Lands \$2662..15, in full of the balance of their account. 28th February, 1812.*

The Committee of both Houses that were appointed to examine the accounts of the agents for the sale of eastern lands, in the District of Maine, have examined an account of their proceedings from the twenty-third of February, eighteen hundred and nine, to the fourteenth day of February, eighteen hundred and twelve, wherein they acknowledge to have received in securities and money the sum of sixty-eight thousand eight hundred and forty-three dollars and thirty-six cents ;

and they have paid the Treasurer in money and securities, together with payments made for suveys and other charges, per their account, the sum of seventy-one thousand five hundred and five dollars and fifty-one cents; all of which appear to be right cast and well vouched, and there appears to be a balance due to said agents of two thousand six hundred and sixty-two dollars fifteen cents, which is submitted by order of the Committee.

WILLIAM KING, *Chairman.*

*Therefore resolved,* That the agents be, and they are hereby discharged from the sum of sixty-eight thousand eight hundred and forty-three dollars and thirty-six cents; and the Governor is hereby requested to draw his warrant on the treasury in favour of John Read and William Smith, Esquires, agents for the sale of eastern lands, for the sum of twenty-six hundred and sixty-two dollars and fifteen cents, in full for their services, as agents aforesaid, up to the fourteenth day of February, eighteen hundred and twelve, and in full discharge of the balance of said account.

# CLVI.

*Resolve for paying the Chaplains and Clerks of the General Court.* 28th February, 1812.

The Committee of both Houses, to whom was committed the order respecting the pay of the clerks of the two Houses and their assistants, and to the Chaplains of both Houses, have attended that service, and report the following resolve.

Which is submitted,

J. PHILLIPS, *per order.*

*Resolved,* That there be paid out of the public treasury, to Marcus Morton, clerk of the Senate, and to Charles P. Sumner, clerk of the House of Representatives, three hundred and fifty dollars each, and also to Robert C. Vose, assistant clerk of the Senate, and to Thomas Walcut, assistant clerk of the House of Representatives, two hundred and fifty dollars each, and to Thacher Tucker, for services rendered the clerk of the Senate, eighty dollars, in full for the same, and also to the Rev. Dr. Thomas Baldwin, chaplain of the Senate, and the Rev. Elijah R. Sabin, chaplain of the House of Representatives, sixty dollars each, in full for their services in said offices the present year.

## CLVII.

*Resolve empowering John Walker and Joseph Lock to sell estate of Joseph Hill, a minor. 28th February, 1812.*

On the petition of John Walker and Joseph Lock.

*Resolved by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That,* for reasons set forth in the said petition, the said John Walker and Joseph Lock be hereby fully authorized and empowered to sell that part of the real estate of Joseph Hill, a minor, which descended to him from his mother, Dorcas Hill, as the same is described in said petition, and for the purposes therein mentioned, and that the proceeds thereof shall be assets in the hands of said administrators for the payment of the debts due from the estate of his intestate, and a sale and conveyance in pursuance of this resolve shall give a good and valid title to the person to whom the same may be made ; and the guardian of the said minor shall not be obliged to account with him, or with the Judge of Probate, for the proceeds of said estate sold under this resolve, provided the same be duly applied to the payment of the debts of the said Joseph Hill, deceased, the father of said minor.

## CLVIII.

*Resolve on the petition of Samuel Wing, authorizing the Supreme Judicial Court, at their term in Berkshire, to hear his representations. 28th February, 1812.*

On the petition of Samuel Wing, stating that judgment had been rendered against him by the Supreme Judicial Court, in the county of Berkshire, in two actions of scire facias, in behalf of the Commonwealth, previous to the passing of the act, entitled "An act granting relief to defendants in actions of scire facias, in certain cases." And that executions on said judgment have been staid from term to term in said court, to this time, and praying relief in the premises. Therefore,

*Resolved,* for reasons set forth in said petition, That the Supreme Judicial Court, at any term thereof which may be holden within and for the county of Berkshire, be, and they hereby are authorized to hear any such representations, proofs, and allegations as may be made in behalf of the said Samuel Wing, in the same way and manner as they might and could



have done by virtue of said act, in case judgment had not been rendered in said actions; and upon such hearing the said court may remit the whole or any part of said judgments, or either of them, according to the circumstances thereof, and the situation of said Samuel, upon such terms and conditions as to them may seem reasonable and just.

## CLIX.

*Resolve directing Benjamin Heyward Esq. to pay 2½ shares from the fund in his hands, belonging to the Hasanamisco Indians, to Elizabeth Whipple. 28th February, 1812.*

On the petition of Elizabeth Whipple.

*Resolved*, That Benjamin Heyward Esq. trustee of the Hasanamisco tribe of Indians, be, and he is hereby directed to pay to the said Elizabeth Whipple the two shares and half share, lately belonging to Abigail Printer, out of the fund of money of said Indians in his hands, both principal and interest due thereon.

## CLX.

*Resolve authorizing Charles Hammond to make an alteration in the road from the easterly line of township No. 4.*  
29th February, 1812.

On the petition of Charles Hammond, of Bangor, in the county of Hancock, praying that the powers vested in him by virtue of a commission from the Governor and Council, agreeable to a resolve passed the third day of March, 1810, may be so far extended as to allow him to make some alteration in the county road from the easterly line of township number four, in the first range of townships, North of the Waldo Patent, to the line of the town of Hampden, and that the proceeds of a half township of land, granted by said resolve, may be expended for the purpose above stated.

*Resolved*, for reasons set forth in said petition, That Charles Hammond, aforesaid, who was appointed a commissioner by the Governor and Council, to carry into effect the object of a resolve, passed the third day of March 1810, be, and he hereby is authorized to make such alteration in the present county road, from the said easterly line of township No. 4, first range, to the westerly line of the town of Hampden, and make the

whole of said road passable for wheel carriages; and he is further authorized to expend the proceeds of said half township, if found necessary, to complete the same.

*And be it further resolved*, That Jedediah Herrick, of Hampden, and Enoch Mudge, of Orrington, both of said county of Hancock, are hereby authorized to agree with the said Hammond in such alteration as they may think will be publicly beneficial. *Provided nevertheless*, it shall not be so construed that the said Herrick and Mudge are to interfere in any other part of said Hammond's commission; and the said Hammond be guided by his commission excepting so far as the alteration in the road is authorized by this resolve.

## CLXI.

*Resolve providing for additions to the Pay Roll of the House.*  
29th February, 1812.

*Resolved*, That there be paid out of the public treasury of this Commonwealth, to each member of the House of Representatives who have attended this day, one day's pay, in addition to the amount as made up in the Pay Roll, and two day's pay for those members who live ten miles from Boston, provided they are necessarily detained over the Sabbath; and the committee on the Pay Roll are directed to make them up accordingly.

## CLXII.

*Resolve authorizing the Treasurer to borrow \$65000.*  
29th February, 1812.

Whereas, the Treasurer of this Commonwealth has represented that the state of the treasury may make it necessary for him to borrow sixty-five thousand dollars.

*Be it therefore resolved*, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed to borrow of the Boston and Union Banks, any sum not exceeding sixty-five thousand dollars, that may at any time within the present year be necessary for the payment of the ordinary demands on the treasury, and he repay any sum he may so borrow, as soon as money sufficient for that purpose, and not otherwise appropriated, shall be received into the treasury.

## CLXIII.

*Resolve on the petition of Joseph Russell and others, directing the Agents on Eastern Lands to have a road surveyed from Kennebeck to Chaudire river. 29th February, 1812.*

Upon the petition of Joseph Russell and others, praying that an alteration may be made in locating the road from Kennebeck river to the river Chaudire.

*Resolved*, for reason set forth in said petition, That the agents for the sale of eastern lands be, and hereby are authorized to survey, or cause to be surveyed, the lands belonging to the Commonwealth, between the west line of the ten townships surveyed by John Neal, and Thomas M'Keenie, Esquires, according to their plan thereof, dated 30th December, 1811, and the boundary line of this Commonwealth; provided the same shall not exceed ten townships of six miles square, and that in surveying the same the persons employed be instructed to explore and examine a route lately viewed and marked by said Neal and M'Keenie, and to make any necessary alterations therein and to lay down the same on their plan, and if upon return of said plan, and upon examination of facts it shall appear to the satisfaction of said agents, that such new route from the north line of Bingham's million acres, so called, to the northern boundary line of this Commonwealth, is more eligible than the road run out by Charles Turner jun. John Merrick, and James Stackpole jun. Esquires, the said agents are hereby authorized and directed to provide for opening the said road, thus to be explored, instead of that already run out by said Turner, Merrick, and Stackpole; and for this purpose to advertise in the several newspapers printed in Boston, that they are ready to receive proposals to effect the opening of such road, from any person or persons disposed to do the same; the contractors agreeing to open the same road four rods wide, to fell the trees and clear out the stumps, and to make all necessary bridges and causeways, in a workmanlike manner, and to make said road good and convenient for carriages to pass and repass; and said agents, upon receiving evidence to their satisfaction of the completion of said road agreeably to the terms of said contracts, are hereby authorized to convey to said contractors, in payment for said road, a proportion of said townships, not exceeding one quarter part of each. And all further proceedings under a resolve on the petition of Nathaniel Dummer and others, passed February 27th, 1811, shall be suspended, until the survey herein pro-

vided and directed shall be completed : and if the determination of said agents shall be in favour of the new road herein provided, all proceedings under said resolve shall be still further suspended, until the further order of the General Court.

## CLXIV.

*Resolve allowing \$94..70 to the Solicitor General, for expenses and services in an inquest of office, vs. Jacob Sheaffe, to be deducted from money in his hands.* 29th February, 1812.

Upon the representation and petition of the Solicitor General, praying to be reimbursed and allowed the expenses of an inquest of office, prosecuted by order of the Legislature against Jacob Sheaffe.

*Resolved*, for reasons set forth in said petition, That the said Solicitor General be, and he is hereby allowed the sum of ninety-four dollars and seventy cents, for his advances, expenses, and services, in an inquest of office prosecuted by order of the Legislature, against the said Jacob Sheaffe, to recover possession of an estate in the town of York, and county of York, a report of which case accompanies the said petition, said sum to be deducted out of the sum of four hundred and forty-two dollars, now in his hands, which he received upon the recognizance of John Smallage.

## CLXV.

*Resolve on the petition of Benjamin Wyman, authorizing him to sell land of minors.* 29th February, 1812.

On the petition of Benjamin Wyman, of Woburn, in the county of Middlesex, guardian of Polly Parker, Sukey Parker, Maria Parker, Caroline Parker, and Clarissa Parker, minor children of Nathan Parker, late of said Woburn, ycoman, deceased, intestate, shewing that said minors, as heirs to the estate of the said Nathan their father, are seized of a certain piece of land, situate in said Woburn, bounded easterly by the great road leading from thence to Andover ; northerly by land of Benjamin F. Baldwin ; westerly by land of Randolph Wyman ; and southerly by land of Cyrus Baldwin ; that the Middlesex Canal passes through and cuts the same into two parts, and that said land is otherwise injured by means of the gravel placed thereon, by the proprietors of said canal ; that said proprietors are desirous to purchase that part

of the said land over which their canal is made, and are also willing to pay the damages done to other parts thereof, by means of the gravel as aforesaid, also to enter into an obligation to support a certain bridge, by them erected over said canal, in the life time of said Nathan, for his accommodation, in passing from one part of said land to the other, and praying this court to authorize him, in his said capacity, to act in the premises.

*Resolved*, for reasons set forth in said petition, That the said guardian be, and he is hereby authorized and empowered to sell and convey to said proprietors, for such consideration as to him shall seem fit, and consistent with the interest of said minors, so much of the above described piece of land as said proprietors may wish to purchase, for the accommodation of their said canal through the same, not exceeding in any place five rods in width; and to make and deliver to said proprietors a good and sufficient deed thereof, conveying the same to them and their successors forever, and to take of said proprietors some obligation or assurance to said minors, which in the opinion of the said guardian shall be sufficient to secure to them, their heirs and assigns, the support and maintenance of the said bridge, built over said canal as aforesaid, forever; also to agree upon and receive payment of and for all damages done to said land, by means of the gravel placed thereon by said proprietors, and upon receipt thereof, in his said capacity, to execute and deliver to said proprietors a good and sufficient release and discharge of and from the same, which conveyance and release, duly executed by said guardian as aforesaid, shall be as good and effectual to all intents and purposes, as if said minors, being of full age, had made and executed the same in their own names: *Provided* the said guardian, before the execution of said conveyance and release, or either of them, shall give bond to the Judge of Probate for said county of Middlesex, and his successor in said office, with sufficient sureties, conditioned to account with said minors for all monies he shall receive by virtue of this resolve, agreeably to law.

*And be it further resolved*, for the reasons set forth in said petition, That said guardian be authorized, and he is hereby authorized and empowered, in his said capacity, to grant by deed, by him duly executed and delivered, to Cyrus Baldwin, of Chelmsford, in said county, gentleman, son of Loammi Baldwin, late of said Woburn, Esquire, deceased, his heirs and assigns, a right of way over the said land of said minors, for him the said Cyrus, his heirs and assigns, to pass and repass

with teams and carriages, from the great road aforesaid to the land of the said Cyrus, on the southwesterly side of said minors' land, in conformity to an agreement made by said Parker in his life time, with the said Loammi, whereby the said Parker, in consideration of the consent of the said Loammi to have the said bridge erected where the same now stands, promised the said Loammi to give him, his heirs and assigns, the right of way aforesaid, which deed of said right of way, duly executed and delivered by the said guardian as aforesaid, shall be as effectual, to all intents and purposes, as if the said minors, being of full age, had made and delivered the same in their own names.

## CLXVI.

*Resolve directing the Solicitor General to pay the balance of John Smallage's recognizance, and discharging him from the sum he has received thereupon.* 29th February, 1812.

Upon the representation of the Solicitor General, stating that he has received the amount of John Smallage's recognizance, and requesting the direction of the Legislature, whether he shall pay the balance in his hands into the treasury of the Commonwealth, or into the treasury of the county of Middlesex.

*Resolved*, That the said Solicitor General be, and he is hereby directed to pay the balance now in his hands, received upon the recognizance of the said John Smallage, into the treasury of the Commonwealth; the said balance being the sum of four hundred and forty-two dollars; and that upon his payment of said sum into the said treasury of the Commonwealth, the said Solicitor General be discharged from all demands of the Commonwealth, for and on account of the sum received upon the aforesaid recognizance.

## CLXVII.

*Resolve granting Thomas Wallcut \$60, for services in the recess.* 29th February, 1812.

*Resolved*, That sixty dollars be granted and paid out of the public treasury, to Thomas Wallcut, in full for writing done by him for the House of Representatives in the recess of the Legislature, according to his account herewith exhibited.

## CLXVIII.

*Resolve granting \$425 to David Everett Esq. reporter of decisions on contested elections of Representatives.*

29th February, 1812.

*Resolved,* That there be allowed and paid out of the treasury of this Commonwealth, four hundred and twenty-five dollars, to David Everett Esq. in full for his services and expenses in collating and superintending the printing for the use of the House of Representatives, agreeable to the order of said House, one thousand copies of questions, documents, and decisions on contested elections, and for his services as reporter of decisions on contested elections up to the present time ; and the Governor of this Commonwealth is hereby authorized to draw his warrant on the treasury in favour of said Everett for that sum.

## CLXIX.

*Resolve granting the Attorney General \$200, to meet expenses in suits against the Pejepscot proprietors.*

29th February, 1812.

*Resolved,* That there be allowed and paid out of the public treasury to the Attorney General, the sum of two hundred dollars, to enable him to meet the expenses arising in the prosecution of the Commonwealth's suit against the Pejepscot proprietors, now pending in the counties of Cumberland, Kennebeck, and Lincoln, he to be accountable therefor ; and his Excellency the Governor, with the advice and consent of Council, is hereby requested to draw his warrant on the Treasurer for the sum aforesaid.

## CLXX.

*Resolve granting compensation to Jacob Kuhn, \$200.*

29th February, 1812.

*Resolved,* That there be allowed and paid out of the public treasury of this Commonwealth to Jacob Kuhn, Messenger of the General Court, the sum of two hundred dollars, which, with the sum already allowed him, shall be in full for his services the present year, ending the 30th of May next, including his attendance on the committee of valuation in the recess of the General Court.

## CLXXI.

*Resolve on the petition of Elizabeth Peirpont, granting her \$367.*  
29th February, 1812.

On the petition of Elizabeth Peirpont, widow of Nathaniel Peirpont, for herself and her children, praying for payment for fifteen thousand weight of bread, delivered by her late husband for the use of the American army in the year 1775.—It appears to your Committee, by evidence produced before them, that the bread mentioned in the petition was actually taken from the said Peirpont, and converted to the use of the American army. Your Committee also find, that the flour from which the bread was made, was the property of the British government, and was taken as such, by the officers of the American army; but we are of opinion that the said Peirpont was justly intitled to pay for baking said bread, and we find that the price given at that time for baking bread of that kind was five shillings sterling, (or 6s8, lawful money) per hundred, therefore the baking 15000 weight, amounts to fifty pound L.M. or \$166.66 cents, which sum was due to said Peirpont in April, 1775, and being so due, your Committee consider him intitled to interest from that time to the present, which interest added to the principal makes the sum of 535 dollars, from which sum deduct 150 dollars, which the said Elizabeth Peirpont received, March 1810, and interest on the same to this date, will leave a sum due to said Elizabeth and her children of three hundred and sixty-seven dollars. Therefore,

*Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to Elizabeth Peirpont, three hundred and-sixty-seven dollars in full compensation for baking said bread, including interest.

## CLXXII.

*Resolve on the petition of John Turner Sargent, for leave to sell real estate.* 29th February, 1812.

On the petition of John Turner Sargent, stating that the power heretofore given by resolve to the executor of the late Henry Jackson, cannot be executed because of the decease of one of said executors, and praying that the like power may be given to him.



*Resolved*, That John Turner Sargent, of Boston, in the county of Suffolk, Esquire, be, and he hereby is authorized and empowered to convey by good and sufficient deed to Benjamin Joy, of said Boston, Esquire, a certain lot of land situated in said Boston, bounded and described as follows : viz. beginning at the divisional line on Charles Street, between the land herein described and other land adjoining, belonging to said Joy, and from said Charles Street, running westwardly on said divisional line, eighty feet, to a back passage way ; thence by said passage way running northwardly twenty-four feet ; and thence running eastwardly eighty feet to Charles Street ; and thence by Charles Street twenty-four feet southerly to the place of beginning. And the deed of said Sargent made in conformity hereto shall be good and valid to vest in said Joy the fee in said land, to the same effect as though a deed had been made of the premises to said Joy, by said Jackson in his life time.

## CLXXIII.

*Resolve on the account and estimate of the Quarter Master General.* 29th February, 1812.

*Resolved*, That Amasa Davis Esq. Quarter Master General, be, and he hereby is discharged from the sum of nineteen thousand and ninety-one dollars and eighty-four cents, which he expended, including his salary, office rent, and clerk hire, amounting to one thousand dollars for one year, ending the seventeenth day of January in the year of our Lord one thousand eight hundred and twelve, out of the sum he has received the last year by warrant on the Treasurer.

*Resolved*, That the sum of six hundred and fifty-three dollars and eighty-eight cents be paid to the said Amasa Davis Esq. from the treasury of this Commonwealth, as the balance of his account.

*Resolved*, That the sum of fifteen thousand five hundred and ninety-four dollars and twenty-five cents, be paid to the said Quarter Master General from the treasury of this Commonwealth, to meet the expenses of his department the ensuing year, for the application of which he is to be accountable ; and that his Excellency the Governor be requested to issue his warrant on the treasury for the amount, at such period and in such sums, as his Excellency with the advice of Council may deem expedient for public service.

## CLXXIV.

*Resolve confirming the doings of the first parish in Lynn.*  
29th February, 1812.

On the petition of the Committee of the first parish in Lynn.

*Resolved*, That all the meetings of said first parish in Lynn, which have heretofore been held when the same were called by the clerk of said parish by order of the Committee or by the said Committee by notifications not under seal, and all the proceedings of the legal voters of said parish, which have been had in pursuance of such notifications, be, and hereby are ratified and confirmed in the same manner as if the said notifications had been by warrants according to law.

## CLXXV.

*Resolve directing the Solicitor General to consent to a continuance of the actions against the sureties of the late Treasurer Skinner.* 29th February, 1812.

On the representation of the Solicitor General requesting further directions, respecting the actions in favour of the Commonwealth against the sureties of the late Treasurer Skinner.

*Resolved*, That the said Solicitor General be, and he hereby is authorized and directed to consent to the continuance of the several actions against said sureties for judgment from term to term, until March term of the Supreme Judicial Court, which will be held at Boston, in the county of Suffolk, on the second Tuesday of March in the year one thousand eight hundred and thirteen. *Provided*, The said sureties pay, or cause to be paid, to the Treasurer of this Commonwealth, previous to the continuance of said actions from the next March term of the Supreme Judicial Court, the sum of ten thousand dollars, which sum when so paid shall be in part discharge of the sum for which judgment is finally to be rendered against the said sureties. *And provided also*, That said sureties shall pay to the said Solicitor General the bills of costs on said suits. *Provided also*, That nothing herein contained shall be construed to effect or invalidate the attachments already made upon the property of said sureties in the actions aforesaid.

## CLXXVI.

*Resolve for paying John Wells Esq. member from Williamsburgh, omitted in the Pay Roll. 29th February, 1812.*

*Resolved,* That there be paid out of the treasury of this Commonwealth to John Wells, of Williamsburgh, for his attendance forty-four days as Representative, eighty-eight dollars, and twenty-two dollars for his travel to the General Court.

## CLXXVII.

*Resolve appointing a Committee to settle and fix the boundary line between Saco and Scarborough. 29th February, 1812.*

*Resolved,* That Daniel Stowell, of Paris, surveyor, James Morrill, of Falmouth, and Joseph Prime, of Berwick, Esquires, be a Committee to repair to the town of Saco, to settle and fix the boundary lines between the towns of Saco and Scarborough, at their expense, and after a full hearing of the parties, that they begin at the place which they may determine to have been the mouth of Little river in the year 1743, and from thence to run the dividing line between the said town of Saco and Scarborough to the head of said towns, and to erect durable monuments on said lines, which line, when run as aforesaid, to be forever after considered as the true dividing line between the towns aforesaid. And it shall be the duty of the said Committee to send a copy of their award or doings to the town clerks of the said towns of Saco and Scarborough.

## CLXXVIII.

*Resolve authorizing the Overseers of the poor of Boston to bind out John Campbell, a blind boy. 29th February, 1812.*

On the memorial of the Overseers of the Poor of the town of Boston, respecting John Campbell, a blind boy, supported at the expense of the State.

*Resolved,* That the overseers of the poor of the town of Boston be, and they hereby are authorized to bind out until he arrives at the age of twenty-one years, John Campbell, a blind boy, and State pauper, now in their almshouse, to some suitable mechanic, and, if necessary, to give a premium to the person who takes him, or otherwise place him in some good family, on such terms and conditions as they may judge will be most for the interest of the Commonwealth.

## CLXXIX.

*Resolve directing the Secretary to insert in the tax the towns lately incorporated, with the proportion of the tax.*

29th February, 1812.

*Resolved*, That in printing the State tax act, the Secretary be directed to insert the names of all the new towns incorporated, and established during the present session, with their several proportions of the said tax, together with the proportion of the pay of their Representatives the two last sessions, as chargeable to said towns respectively.

ROLL No. 66.....February, 1812.

THE Committee on accounts having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively; which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned; which is respectfully submitted.

NATHAN WILLIS, *per order.*

### PAUPER ACCOUNTS.

Town of Adams, for clothing and doctoring sundry paupers, to 9th January, 1812,	\$145 36
Attleborough, for supplies for Elizabeth and Peggy Taylor to 1st January, 1812,	55 73
Abington, for boarding, clothing, and doctoring Thomas Seymore to 9th February, 1812,	69 35
Andover, for boarding and clothing Patrick Callahan and Sukey Hornsby to 11th February, 1812,	138 94
Becket, for boarding, clothing, and doctoring Sally Leonard and Hiram Leonard to 7th January, 1812,	66
Barre, for boarding and doctoring John C. Danderick to the time of his death, including funeral charges,	37
Barnardston, for boarding and clothing Oliver Stephens to 15th January, 1812,	66 49
Boxborough, for boarding and clothing John M'Coy to 24th May, 1811,	61 15
Bedford, for boarding and clothing James Cades to 27th January, 1812,	44 33
Brimfield, for boarding, clothing, and doctoring John Christian to 8th January, 1812,	72 24
Bath, for boarding, clothing, and doctoring Samuel Osborn to the time of his death, including funeral charges,	42 50
Berwick, for boarding Lemuel Wadsworth to 29th January, 1812,	10 40
Beverly, for boarding, clothing, and doctoring sundry paupers to 1st February, 1812,	671 42
Bridgewater, for boarding, clothing, and doctoring Frederick Bignor to 6th February, 1812, and Wil-	

Iiam Blakely to the time of his death, including funeral charges,	879 5
Boothbay, for boarding and clothing Stephen Green's child to 12th January, 1812,	85 90
Bradford Samuel, Sheriff of the county of Suffolk, for supporting sundry poor prisoners, confined in gaol for debt, to 23d January, 1812,	494 37
Boston Board of Health, for boarding and doctoring sundry paupers on Rainsford's Island to 12th January, 1812, including repairs for the State's boat, and allowance to Thomas Spear for wood, and his services as keeper of the hospital,	514 97
Brunswick, for supplies and doctoring John Friend to 31st January, 1812,	25
Brookfield, for boarding and clothing Thomas Quannomer to the time he left the town,	17 32
Boston, for boarding, clothing, and doctoring sundry paupers to 1st December, 1811, including the allowance to the keeper of the almshouse,	6626 7
Charleton, for boarding, clothing, and doctoring Edward Maden to 1st January, 1812,	41 47
Cheshire, for boarding, clothing, and doctoring Jane Dott to the time of her death, including funeral charges,	20 8
Carlisle, for boarding and clothing Robert Barber to 11th January, 1812,	48 22
Colerain, for boarding and clothing Sally Lamonier to 16th January, 1812,	38 68
Concord, for supporting George Black, Case, a black man, Zachariah Godfrey, James Proctor, and Joseph Higgins, prisoners confined in gaol for debt, to 22d January, 1812.	96 80
Cape Elizabeth, for boarding James Ramsbottom to 29th December, 1811,	48
Cambridge, for boarding, clothing, and doctoring sundry paupers, and poor prisoners confined in gaol for debt, to 27th January, 1812,	261 5
Cushing, for boarding James Walker to 12th February, 1812,	41 60
Castine, for boarding and doctoring Nancy James and her children, until they left the Commonwealth, and John Johnson to the time of his death, including funeral charges,	76 50

Chelmsford, for boarding, clothing, and doctoring Catharine M'Clenery, and John Paine and family, to 4th February, 1812,	\$108 30
Charlestown, for boarding, clothing, and doctoring sundry paupers to 11th February, 1812,	263 10
Dighton, for boarding, and doctoring Elijah Catch to the time he left the Commonwealth,	9 20
Dunstable, for boarding, clothing, and doctoring Margaret Lane to 3d February, 1812,	67 93
Deerfield, for supplies and doctoring George Roberts to 22d January, 1812,	33 81
Dorchester, for boarding and clothing Alexander Theophilus, John Harrison and Thomas Wyman to 30th January, 1812,	149 70
Danvers, for boarding, clothing, and doctoring sundry paupers to 11th February, 1812,	700 55
Dracut, for boarding and clothing Richard Baker to 11th February, 1812,	55 59
Doggett Samuel, keeper of gaol in Dedham, for boarding and clothing James Hatchel, a lunatic, and Robert Clue, a prisoner, confined in gaol, to 12th January, 1812,	122 8
East Hampton, to boarding John Hall to 10th February, 1812,	26
Egremont, for boarding and clothing Mary Elizabeth, Joseph and Benjamin Dailey, and Benjamin Eastport, to 14th January, 1812,	315 20
Elliot, for supplies for Jacob Brewer and family to 30th December, 1811,	35
Edgarton, for boarding and clothing, Anthony Chadwick to 4th January, 1812, and Emanuel Silvary, a prisoner, confined in gaol, to 20th August, 1811,	64 51
Fayette, for boarding and clothing William G. Martin to 1st January, 1812,	69 20
Falmouth, county of Barnstable, for boarding, clothing, and doctoring Edward Edwards to 19th January, 1812,	38 92
Falmouth, for boarding, clothing, and doctoring Felician Sang to 31st December, 1811,	84
Framingham, for boarding and clothing Hugh M'Pherson to 18th January, 1812,	55
Great Barrington, for boarding, clothing, and nursing Isaac, Catharine, and Mary Hoose, John Whittey, Clarissa Lindsey, Anna Rathbone, and Lucy Por-	

ter, to 4th January, 1812, and for transporting Jerusha Chappel out of the Commonwealth,	8287 47
Greenfield, for boarding, clothing, and doctoring Abigail Lamonier and her child, to 20th July, 1811, and Eunice Convers to 31st January, 1811,	114
Groton, for boarding, clothing, and doctoring John C. Wright, Elisha Hayt, and Eunice Bentrout, to 10th January, 1812, and William Lessear and his wife, to the time of his death, including funeral charges,	345 92
Greenwich, for boarding, clothing, and doctoring John Howard, John Bailey, William Rice, Jonathan Bailey's family, James Bailey, and Elizabeth Harrington to 14th January, 1812,	218 65
Granby, for boarding and clothing Ebenezer Darling to 27th January, 1812,	59 95
Gorham, for boarding and clothing Robert Gillfilling to 31st January, 1812,	82 83
Granville, for boarding and clothing Archibald Stewart to 1st January, 1812,	74 91
Gloucester, for boarding, clothing, and doctoring sundry paupers to 10th November, 1811,	583 50
Gill, for boarding, clothing, and doctoring Sarah Hamilton, Samuel Lyon and wife, and Abigail Lamonier's child to 25th January, 1812,	139 46
Haverhill, for boarding, clothing, and doctoring Henry Spoilett to 23d July, 1811, and William Tapley to 1st January, 1812,	118 95
Hancock, for boarding and clothing Rebecca Osborn to 30th January, 1812,	46 1
Hopkinton, for supporting John Leighton to 20th September, including funeral charges,	18
Hatfield, for boarding and doctoring Asael Anderson to the time of his death, including funeral charges,	17
Hodgkins Joseph, keeper of the house of correction in Ipswich, county of Essex, for boarding and clothing Mary Adelaide, Huldah Hicks, John Squires, Josiah Bennington, Thomas Willis, David Vance, and John Dewittraw, to 31st January, 1812,	249 80
Hadley, for supplies for Friday Allen and wife, to 6th January, 1812,	88 27
Hallowell, for boarding, clothing, and doctoring sundry paupers to 1st January, 1812,	492



Hudson John, keeper of the gaol in Salem, county of Essex, for boarding sundry poor prisoners confined in gaol, to 21st January, 1812,	\$499 68
Ipswich, for boarding, clothing, and doctoring John O'Brian, Thomas Tool, Daniel Galliger, and Cæsar, a black man, including funeral charges,	266
Kingston, for boarding and doctoring Betsey West, an insane pauper, to the 26th July, 1811,	20 15
Kittery, for boarding and clothing Sarah Perkins, and Deborah Perkins and child, to 1st January, 1812,	127 40
Limington, for boarding, clothing, and doctoring John Orion to 1st January, 1812,	67 60
Lee, for boarding, clothing, and doctoring Jonathan Blackman and wife, to 6th January, 1812, Lucy Fuller, Daniel and Betty Sarstee, and Azubah Cain, to 9th January, 1812,	130 18
Lenox, for boarding, clothing, and doctoring Abraham Palmer, William Hawley, and Niel M'Arthur, to 14th January, 1810, and funeral charges for John Michael,	97 27
Litchfield, for supplies to Hannah Taylor, and Daniel Howard and wife, to 1st January, 1812,	154 30
Lanesborough, for supporting Benjamin Browner to the time he left the town,	16 88
Lincolnvile, for boarding and clothing Alexander White and Timothy Cox, to 17th January, 1812,	109 70
Lexington, for boarding and clothing Margaret Hubbard to 14th November, 1811,	14
Lunenburg, for boarding and clothing Felix Stool to 25th January, 1812,	60 44
Leyden, for boarding, clothing, and doctoring Jedediah Fuller and wife, Ruth Abel, and Elizabeth Waggoner, to 14th January, 1812,	109 65
Lynn, for boarding, clothing, and doctoring sundry paupers to 8th February, 1812,	557 13
Littleton, for boarding and clothing John Putman to 11th February, 1812,	45
Lincoln, for boarding and clothing Thomas Pocock to 1st February, 1812,	88
Minot, for boarding Philip Weeks to 14th January, 1812,	26
Methuen, for boarding, clothing, and doctoring Thomas Pace to the time of his death, and William Davis to the time he left the town,	92 20

Montague, for boarding, clothing, and doctoring Joshua Searls to 13th January, 1812,	\$145 17
Manchester, for boarding, clothing, and doctoring Thomas Douglas to 2d February, 1812,	72 40
Marshfield, for boarding and clothing Lemuel Little and Phillis Mitchell, to 15th May, 1811,	175 80
Milton, for boarding and doctoring Rebecca Welsh and child to 16th February, 1812, and John Gray to the time of his death, including funeral charges	109 15
Marblehead, for boarding, clothing, and doctoring sundry paupers to 6th February, 1812,	498 79
Machias, for doctoring James Low to February, 1811,	25
Norwich, for boarding, clothing, and doctoring Daniel Williams to 26th January, 1812,	46 49
Northfield, for boarding, clothing, and doctoring Richard Kingsbury to 11th January, 1812,	73 84
North Yarmouth, for boarding and clothing William Elwell to 1st January, 1812,	67 20
New Bedford, for boarding, clothing, and doctoring sundry paupers to 18th January, 1812,	199 33
Northampton, for boarding and doctoring sundry paupers and poor prisoners confined in gaol to 1st February, 1812,	436 60
Newbury, for boarding, clothing, and doctoring sundry paupers to 1st January, 1812,	925 42
Newburyport, for boarding, clothing, and doctoring sundry paupers to 1st January, 1812,	1713 38
Oxford, for boarding and clothing Catharine Jordan to 1st January, 1812,	64 70
Otisfield, for boarding and doctoring William Hurd to the time he left the Commonwealth,	40
Overseers of Marshpee Indians, for boarding, clothing, and doctoring Thomas Cæsar, Francis Martin, Thomas Numkies, and Jabez Freebody, to 31st December, 1811, and Quash Bulkin to the time of his death, including funeral charges,	342 7
Penobscot, for boarding and clothing Thomas Slack to 17th December, 1811,	42
Phillipsburgh, for supplies for Lemuel Woods to the 10th November, at which time he was removed to Berwick,	46 82
Portland, for boarding, clothing, and doctoring sundry paupers to 1st January, 1812,	1516 95

Pittsfield, for boarding, clothing, and doctoring Polly Thurston, Peter Huron, and Epaphras Childs, and supplies for Thomas Skeen, to 12th January, 1812, and Benjamin Gifford to the time he left the Commonwealth,	\$120 72
Plymouth, for boarding and clothing Thomas Torrence, James Reed, and John M <sup>r</sup> Reeves, to 9th February, 1812,	129 45
Peru, for supplies for James Robbins and family to 2d January, 1812,	123 90
Palmer, for boarding, clothing, and doctoring William Musden and wife to 5th January, 1812,	120 50
Quincy, for boarding, clothing, and doctoring William Clessbant and Thomas Basley to 23d January, 1812,	99 67
Readfield, for boarding, clothing, and doctoring Edward Burges and Collin Commoran to 27th December, 1811,	115
Rowley, for boarding, clothing, and doctoring Elle Collins and Benning Dow to 1st January, 1812,	116 71
Randolph, for boarding and doctoring Patrick Lyon, to the time of his death, including funeral charges,	8 12
Rowe, for boarding, clothing, and doctoring Betsey Carpenter to 24th January, 1812,	36 20
Reading, for boarding, clothing, and doctoring Samuel Bancroft to 25th January, 1812, and Thomas Grant, to the time of his death, including funeral charges,	198 35
Roxbury, for boarding, clothing, and doctoring sundry paupers to 3d January, 1812,	379 27
Rehoboth, for boarding, clothing, and doctoring Elizabeth Snow and Lofer Mason, to 1st January, 1812,	117 20
Rochester, for boarding, clothing, and doctoring George White to 5th February, 1812,	95 57
Rutland, for boarding, clothing, and doctoring John Cawling, William Henderson, and Roswell Farrar, to 20th January, 1812, and Robert Campbell to the time he left the town,	154 72
Swansey, for boarding and clothing Thomas Conolly to 20th December, 1811,	43 86
Sandwich, for boarding and clothing Richard Crouch to 5th January, 1812,	34 10

Spencer, for boarding and clothing John Lander to 5th January, 1812,	\$67 50
Stockbridge, for boarding, clothing, and doctoring Sally Peet and Mary Doud, to 3d December, 1812,	128 25
Sturbridge, for boarding, clothing, and doctoring Jonas Bantous to 6th January, 1812, and Jonathan Spear to the time of his death, including funeral charges,	62 6
Sandisfield, for boarding, clothing, and doctoring Jerusha Price, Elizabeth Dando, Richard Duckson, and William Sanford, to 9th January, 1812,	82 37
Saco, for doctoring John Dunham to the 4th August, 1811,	29
Shirley, for boarding, clothing, and doctoring Simon Cox, James Mills, and Roderick M'Kinzie and wife, to 29th January, 1812,	142 32
Sutton, for boarding, clothing, and doctoring Isabella Santee and four children, to 20th January, 1812,	81 70
Stow, for boarding and doctoring William Barree to the 23d March, when he left the town,	17
Sherburne, for boarding and doctoring Benjamin Houghton to 29th January, 1812,	54 67
Shelburne, for boarding, clothing, and doctoring Mary Battis to 14th January, 1812,	60 27
Springfield, for boarding and doctoring Peter Beauchamp to 4th May, 1812, the time he left the town,	6 3
St. George, for boarding, clothing, and doctoring Robert Hause to 2d February, 1812, and Eleanor Matthews to the time of her death, including funeral charges,	62 50
Somerset, for boarding and clothing William Elliot to 1st January, 1812,	48 48
Scutwick, for boarding George Reed to 1st January, 1812,	70
Standish, for boarding and clothing Alice Noble to 6th January, 1812,	65
Shrewsbury, for boarding, clothing, and doctoring Leander and Sally Taylor, to 25th January, 1812, and Stephen Jones to the time he left the town,	40 12
Sudbury, for boarding and clothing John Weighton to 12th February, 1812,	81 98
South Hadley, for supplies for Peter Pendergrass to 6th January, 1812,	69 28

Salem, for boarding, clothing, and doctoring sundry paupers to 5th January, 1812,	81381
Taunton, for supplies to Edmund Shores, Manuel Disnos, Hannah Goff, and house rent for Jonathan Shores, to 12th January, 1812,	219 53
Topsham, for boarding, clothing, and doctoring John Duggen to 7th January, and William Proctor to 28th January, 1812,	145
Tyringham, for boarding and clothing Ralph Way to 1st January, 1812,	58
Uxbridge, for boarding and clothing David Mitchell to 17th January, 1812,	45 33
Vassalborough, for boarding, clothing, and doctoring Abigail Fairbrother, Lydia Gordon, and Caleb Gordon, to the 1st January, 1812, James Leister, and Sally Gordon to the time of their death, including funeral charges,	151 12
Wayne, for boarding Sally Allard to the time of her death, including funeral charges,	8 97
Windsor, for boarding and clothing Henry Smith and wife, to 1st January, 1812,	74
West Stockbridge, for boarding and clothing Lucy Lane, Milesa Edgecomb and child, James C. Biggs, and Ransons Biggs, to 1st January, 1812,	92
Westfield, for supplies furnished John Newton and wife, to 31st December, 1811,	67 48
Worcester, for boarding, clothing, and doctoring sundry paupers, including poor prisoners confined in gaol, to 1st January, 1812,	205 96
Warren, for supporting William Moorman to 4th January, 1812,	52
Winthrop, for boarding, clothing, and doctoring Olive Howard and William Gascat, to 4th January, 1812,	123 34
Westhampton, for boarding, clothing, and doctoring Lemuel Culver, and Phebe Culver's child, to 20th January, 1812,	89 6
Westford, for boarding, clothing, and doctoring Christopher Sheppard to 28th January, 1812, and Philip Jackson to the time of his death, including funeral charges,	115 99
West Springfield, for boarding, clothing, and doctoring Hannah Felt and Hannah Shevy, to 13th January, 1812, and James Aldrich to the time he left the town,	98 44

Williamstown, for boarding, clothing, and doctoring Robert Morrill, Rachael Galusha, Charles M'Arthy, and John Hendergrass, to 8th January, 1812,	\$148	3
Woburn, for boarding, clothing, and doctoring John Lynham's two children to 10th February, 1812, and John Ruder to the time he left the town,	66	62
Watertown, for boarding, clothing, and doctoring Patrick Brazil to 15th November, 1811, and Ann Fox to the time she left the town,	50	50
York, for boarding, clothing, and doctoring sundry paupers to 8th February, 1812, and Sarah Vandy to the time of her death, including funeral charges,	615	13
Total Paupers,	\$31,002	80

### MILITARY ACCOUNTS.

#### *Courts Martial and Courts of Inquiry, &c.*

Howard Samuel, for the expense of a Court Martial, held in Augusta, in October, 1811, whereof Jeremiah Tuck was President,	146	6
Howard Samuel, for the expense of a Court Martial, held in Augusta, 18th June, and by adjournment, 6th August, 1811, whereof Lt. Col. Herbert Moore was President,	304	49
Hildreth William, for his travel and attendance as a member of a Court of Inquiry, to have been held at Worthington, 27th March, 1811,	36	74
Goodwin John M. for the expense of a Court Martial, held at Plymouth, in December, 1811, whereof Lt. Col. Benjamin Lincoln was President,	108	10
Goodwin John M. for the expense of a Court Martial, held at Plymouth, 29th October, 1811, whereof Lt. Col. Benjamin Lincoln was President,	144	24
Donnison William, Adjutant General, for the expense of a Board of Officers, held at Topsham, in May, 1811, whereof B. Gen. David Payson was President,	166	11
Bates Elkanah, for the expense of a Court of Inquiry, held at Taunton, 19th March, 1811, whereof Lt. Col. Shepherd Leach was President,	83	15
Clapp Jeremiah, for officers' fees, summoning witnesses, witnesses' travel and attendance at a Court		

Martial, held at Charlestown, 1810 and 1811, whereof Lt. Col. Jonathan Bancroft was President, omitted in the Pay Roll,	852 56
Pitkins Benjamin, for his travel and attendance as a member of a Court of Inquiry, to have been holden at Worthington, in May, 1811,	7 13
Sawtell Richard, for the expense of a Court of Inquiry, held in Vassalborough, 3d July, 1810, whereof Lt. Col. Elnathan Sherwin was President,	51 50
Weston John, for taking depositions respecting a contested election in Stoneham, by order of the Commander in Chief,	6 70
Sawtell Richard, for the expense of a Court of Inquiry, held in Norridgewock, 8th October, 1811, whereof Maj. John Loring was President,	37 13

*Brigade Majors and Aids-de-Camp.*

Ayers James, to 3d January, 1812,	8 85
Brown Henry C. to 18th July, 1811,	82 13
Bastow Sumner, to 1st December, 1811,	47 20
Blish Joseph, to 28th December, 1811,	27 75
Bucklin Joseph, to 11th September, 1811,	3 50
Bates Elkanah, to 1st January, 1812,	50 7
Clap Jeremiah, to 20th February, 1812, including allowance for inspecting town magazines, omitted in his former account for want of certificates,	138
Curtis Jared, to 25th January, 1812,	40 17
Dutch Eben. to 9th November, 1811,	123 55
Dwight Henry W. to 6th January, 1812,	43 22
Elwell Robert, to 10th January, 1812,	69 58
Fisher, Jacob, to 5th January, 1812,	75 45
Greenleaf Samuel, to 5th February, 1812,	111 53
Ganwell Samuel, to 3d January, 1812,	29 78
Goodwin John M. to 1st January, 1812,	24 10
Hammatt William, to 1st August, 1811,	26 12
Height William, to 1st November, 1811,	51 56
Hoit Epaphras, to 1st January, 1812,	54 31
Hayward Nathan, to 24th January, 1812,	55
How Estes, to 12th January, 1812,	27 10
Howard Samuel, to 15th November, 1811,	166 23
Knap Samuel L. to 1st January, 1812,	14 50
Prince Slugh, to 1st February, 1812,	49 85
Russell Edward, to 12th January, 1812,	54 89

Russ John, to 26th January, 1812,	\$113 85
Sawtell Richard, to 28th December, 1811,	98 51
Thayer Minot, to 13th February, 1812,	39 75
Thayer Samuel W. to 1st January, 1812,	86 80
Tilden B. P. to 1st January, 1812,	31 38
Tinkham Seth, to 16th June, 1811,	42 13
Talbot Peter jun. to 1st January, 1812,	152 12
Whiting Timothy, to 2d October, 1811,	53
Woods Sampson, to 4th January 1812,	58 25

*Brigade Quarter Masters.*

Boutell Timothy, to 1st February, 1812,	70 50
Campbell Archibald, to 1st January, 1812,	20 70
Crane Elijah, to 1st January, 1812,	25 50
Craft Eben. to 1st January, 1812,	22 50
Chandler Joseph, to 1st January, 1812,	29 30
Crosby John, to 4th January, 1812,	60 53
Everett Gilbert, to 1st January, 1812,	18 75
Garrett Andrew, to 28th December, 1811,	15
Hildreth Jonathan, to 1st January, 1812,	41 60
Hobart Thomas, to 1st October, 1811,	32 50
Knap Samuel D. to 12th January, 1812,	17 2
Morgan Archippus, to 1st December, 1811,	54 80
Norton Wintrop B. to 1st October, 1811,	23 10
Partridge Samuel, to 1st January, 1812,	65 60
Pollard Oliver, to 1st October, 1811,	61 5
Rossetter Samuel, to 1st January, 1812,	15 50
Roberson Jesse, to 1st November, 1811,	31 20
Talmage Josiah, to 1st October, 1811,	33 90
Walker Timothy, to 27th January, 1812,	25 30
Whitney Thomas L. to 1st October, 1811,	28 15
Winchester John, to 16th December, 1811,	20 20

*Expense for Horses, to haul Artillery,*

Alden Peter O. to 1st February, 1812,	12 50
Buttrick Horatio G. to 6th January, 1812,	5
Bartoll Samuel, to 18th January, 1812,	10
Bartlett Samuel, to 3d January, 1812,	6 25
Chittendon Samuel, to 1st January, 1812,	10
Clemence Calvin, to 1st January, 1812,	5
Cunningham Thomas, to 10th January, 1812,	10
Crosman Elisha, to 5th January, 1812,	12



Davis William jun. to 14th January, 1812,	86
Day David, to 9th January, 1812,	8 33
Estman Philip, to 8th January, 1812,	10
Gale Bezaleel, to 20th December, 1811,	10
Harris Elisha, to 1st October, 1811,	4 75
Holmes Bartlett, to 1st January, 1812,	6
Hoyt Joseph, to 1st December, 1812,	29 50
Harris William, to 15th February, 1812,	30
Jenkins Weston, to 3d June, 1812,	7 50
Jacobs Edward F. to 1st January, 1812,	5
Johnson David, to 8th February, 1812,	8
Kellog Charles, to 1st October, 1811,	12 25
Lyman Josiah D. to 1st February, 1812,	7 50
Lincoln Caleb, to 7th February, 1812,	6 25
Nye Samuel, to 1st February, 1812,	30
Newhall Aaron, to 12th February, 1812,	5
Penniman Samuel, to January, 1812,	5
Park Richard, to 1st January, 1812,	5
Phelps S. W. to 2d January, 1812,	10
Prenter Caleb, to 18th January, 1812,	10
Patterson David, to 15th January, 1812,	10
Pomroy Henry, to 29th January, 1812,	15
Page William H. to 23d May, 1811,	8 33
Parker Nathan, to 1st February, 1812,	20
Peabody Jacob, to 1st January, 1812,	12 50
Plummer Addison, to 14th January, 1812,	18
Rice Joel, to 11th January, 1812,	10
Roulston Andrew, to 23d January, 1812,	10
Selden Calvin, to 27th September, 1811,	6 50
Stebbins Zenos, to 28th November, 1811,	7 50
Stebbins Quartus, to 24th January, 1812,	7 50
Sanderson Henry, to 16th January, 1812,	8 75
Wheeler Samuel, to 1st October, 1811,	5
Webster Elijah, C. to 1st January, 1812,	10
Warren Moses, to 31st January, 1812,	7
Walker Abbot, to 1st January, 1812,	15

*Adjutants.*

Adams Charles, to 6th November, 1811,	7 92
Arms Pliny, to 20th December, 1811,	20 90
Adams Moses, to 1st January, 1812,	56 87
Allen Elisha, to 16th November, 1811,	14 65
Allen Shubal C. to 3d February, 1812,	26 82

Bird Jonathan, to 10th January, 1812,	\$27 56
Brewer Daniel C. to 20th September, 1812,	51 47
Bates Isaac C. to 1st November, 1811,	31 79
Beak John, to 1st December, 1811,	38 70
Blusson Alden, to 4th January, 1812,	10 90
Bradley Enoch, to 8th October, 1811,	9 61
Bucklin Joseph, to 20th August, 1811,	7 33
Bray Oliver, to 10th February, 1812,	4 97
Buck Jack Tilley, to 15th December, 1811,	43 25
Buckcroft Ebenezer, to 3d February, 1812,	25 50
Barry William, to 15th February, 1812,	122 43
Bryant Joseph, to 9th January, 1812,	2 66
Cutts William, to 1st January, 1812,	17 21
Callender Benjamin, to 16th January, 1812,	18 5
Carter Willis, to 8th January, 1812,	22 83
Champney John, to 1st January, 1812,	72 1
Crowell Michael, to 3d January, 1812,	20 95
Chase Thomas L. to 7th February, 1812,	25 85
Clark Joseph, to 5th November, 1811,	74 89
Curtis James, to 1st January, 1812,	18 83
Draper William, to 6th January, 1812,	30 82
Dickinson Frederick, to 5th February, 1812,	31 9
Dana Isaac, to 2d January, 1812,	50 51
Delano Gidcon, to 13th February, 1812,	11 24
Fisk Ezra, to 1st January, 1812,	99 25
Fairbanks Stephen, to 19th November, 1811,	63 50
Gray John, to 1st November, 1811,	17 42
Gates Isaac, to 15th January, 1812,	10 28
Getchell William, to 1st January, 1812,	74 72
Gilbert James, to 10th February, 1812,	11 48
Gage Nathaniel, to 15th February, 1812,	15 70
Haggens Benjamin, 6th January, 1812,	24 50
Harrington Joseph, to 28th January, 1812,	75 1
Hilton Joshua, to 4th January, 1812,	143 77
Hodson Isaac, to 1st January, 1812,	42 76
Hayden Charles, to 1st November, 1811,	23 55
Jewett Caleb, to 27th November, 1811,	56 30
Jewett Jesse, to 10th January, 1812,	53 56
Jaques Samuel to 13th February, 1812,	88 7
Kingman Simeon, to 2d January, 1812,	10 88
Knight James M' to 23d January, 1812,	19 48
Marston Jonathan, to 12th November, 1811,	92 57
Munroe Reuben, to 10th January, 1812,	32 88
Lane Daniel, to 1st January, 1812,	11 90

Lewis Lyman, to 4th January, 1812,	\$34 90
Lunt Peter, to 15th January, 1812,	14 36
Lane Daniel D. M. to 1st January, 1812,	36 12
Libby Nathaniel, to 1st November, 1811,	43 13
Lewis Philo, to 30th November, 1811,	48 67
Larrabee William, to 27th January, 1811,	14 75
Lee William jun. to 1st November, 1811,	5 87
Nye Joseph, to 11th January, 1812,	3 95
Northam Eli, to 25th September, 1811,	20 37
Needham Harvey, to 1st January, 1812,	28 38
Nye John, to 11th January, 1812,	22 75
Orr Hector, to 16th October, 1811,	39 23
Pilsbury Stephen, to 1st December, 1811,	9 78
Peck George, to 1st September, 1811,	33 94
Porter Horace, to 21st November, 1811,	26 40
Page Jesse, to 4th December, 1811,	24 5
Pollard Oliver, to 1st January, 1810,	4 91
Parker Henry, to 4th February, 1812,	37 51
Preston Warren, to 1st December, 1811,	56 2
Richardson Wyman, to February, 1812,	46 7
Smith Henry, to 4th January, 1812,	18 89
Stebbins Quartus, to 15th February, 1812,	3
Sayles Richard, to 10th February, 1812,	24 36
Sawyer William, to 30th January, 1812,	20 69
Toby Elisha, to 1st January, 1812,	72 26
Thomas John B. to 12th January, 1812,	21 87
Tucker Joseph, to 4th January, 1812,	22 63
White Jonathan, to 6th January, 1812,	25 33
Ward William, to 1st January, 1812,	21 15
Williams Jonathan, to 18th November, 1811,	33 98
Warriner Solomon, to 1st July, 1811,	24 76
Weston Samuel, to 22d January, 1812,	83
Waterman George, to 16th January, 1812,	15 36
Wild Jonathan jun. to 8th February, 1812,	73 97
Walton Joseph, to 15th February, 1812,	44 75
Willington Charles, to 13th February, 1812,	99 31
Weston Jonathan D. to 2d December, 1811,	51 88

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Total Military, \$3053 37

*SHERIFFS' AND CORONERS' ACCOUNTS.*

Bartlett Bailey, for returning votes for Governor, Lieutenant Governor, and Senators, to 1st January, 1812,	83 20
Bettis Jeremiah, Coroner, for taking inquisitions on the body of a stranger, 13th June, 1810,	20 90
Foot Enoch, for taking inquisition on the body of a stranger, August, 1811,	18 50
Fanning Oramel, for taking inquisition on the body of a stranger, January, 1812,	21 36
Folsom John W. for taking inquisition on the body of Josiah Burt, and five other persons, names unknown, at sundry times, previous to 4th February, 1812,	124 63
Hildreth William, Sheriff of the county of Middlesex, for distributing precepts and returning votes for member of Congress, also for returning votes for Governor, Lieutenant Governor, and Senators, to 14th February, 1812,	47 80
Leonard Horatio, Sheriff of the County of Bristol, for expenses in apprehending Herman Norton, who escaped from the gaol in said county, and for returning votes for Governor, Lieutenant Governor and Senators, to January, 1812,	63 20
Mattoon Ebenezer, for returning votes for Governor, Lieutenant Governor, and Senators, to 4th January, 1812,	7 20
Mayhew Simon, for taking inquisition on the body of a stranger, July, 1811,	22 99
Lawrence Jeremiah, for returning votes for Governor, Lieutenant Governor, and Senators, to 11th February, 1812,	10 40
Sawtell Richard, for returning votes for Governor, Lieutenant Governor, and Senators, to November, 1811,	17 60
Wilt Thomas, for taking inquisition on the body of a stranger, October, 1811,	18 68
Worth Jethro, for returning votes for Governor, Lieutenant Governor, and Senators of this Commonwealth, and for Representative to Congress, to 2d November, 1811,	28
Total Sheriffs' and Coroners',	\$404 46

*PRINTERS' ACCOUNTS.*

Allen William B. for publishing acts and resolves to 1st July, 1811,	\$16 67
Allen Phinehas, for publishing acts and resolves to 17th January, 1812,	16 67
Allen Ephraim, for publishing acts and resolves to 1st August, 1811,	16 67
Adams, Rhoades, & Co. for printing for the Secre- tary's and Adjutant General's office, and for the General Court, to 14th February, 1812,	2783 69
Butler William, for printing acts and resolves to 20th January, 1812,	16 67
Cheever Nathaniel, for printing done by order of the General Court, including acts and resolves, to 1st January, 1812,	23 33
Dickman Thomas, for printing acts and resolves to 27th January, 1812,	16 67
Edes Peter, for printing done by order of the General Court to January, 1812,	10
Phelps Ansell, for printing acts and resolves to Feb- ruary, 1812,	16 67
Munroe & French, for printing for the General Court to February, 1812,	1008
True & Rowe, for printing for the General Court to 22d February, 1812,	319 60
Shirley Arthur, for printing done for the General Court, including acts and resolves,	26
Total Printers,	<hr/> \$4,270 64

*MISCELLANEOUS ACCOUNTS.*

Boyle John, for supplies of stationary for the Adjutant General's office to 1st January, 1812,	252 88
Boston Glass Manufactory, for glass to the State- house to January, 1812,	63 73
Burditt James W. for stationary for the use of the General Court to 14th February, 1812,	335 86
Chase Warren, for assisting the messenger of the General Court 46 days, to 27th February, 1812,	92 00

Durant William, for labour done on the State-house to 31st January, 1812,	\$48 41
Fisher Jacob, for taking depositions by order of the House of Representatives, in the case of Thomas Kuler Esq. February, 1810,	11 20
Fillebrown Thomas, for taking affidavits, by order of the Governor, in a contested election, in the case of Petty Vaughan and William Emmons, military officers, May, 1811,	12 26
Fisk Oliver, Lincoln Levi, jun. and Wheeler Theophilus, commissioners to examine the accounts of the Treasurer of the county of Worcester, 27th August, 1811,	44 10
Fairbanks Joseph, for service done in guarding the gaol at Augusta,	16
Holt Benjamin, for preparing valuation books, January, 1812,	70 20
Larkin Ebenezer, for stationary for the Secretary's and Treasurer's office to 14th February, 1812,	380 57
Loring Benjamin, for four record books for the use of the Supreme Judicial Court, from May to February, 1812,	16
Lapham Sylvanus, for assisting the messenger to the General Court, 48 days, to 27th February, 1812,	96
Morton Marcus, clerk of the Senate, for assorting and arranging the Senate files, and making an index to three volumes of the Senate Journals, to 31st January, 1812,	101 11
Perry John, for assisting the messenger of the General Court to 27th February, 48 days,	96
Prescott, for summoning witnesses, by order of the House of Representatives in the case of the Boston contested election,	9 30
Stimpson Charles, for preparing valuation books, January, 1812,	120 80
Sumner Thomas W. Brewer William, and Miller Joseph, committee for repairing State-house, balance of their account, 13th February, 1812,	4805 07
Scott James, for book-binding and stationary for the Secretary's and Adjutant General's office to 20th January, 1812,	101 87
Sumner Charles P. for making an index to the Journal of the House of Representatives, from 1793 to 1811, inclusive,	96 84

Thayers and Fogg, for crape for the use of the Court, as per order, January, 1812,	\$137 50
Welles John, Weld Benjamin, and Appleton John, committee for settling Treasurer Harris's accounts, June, 1811,	70
Total Miscellaneous,	<hr/> \$6,977 70

*Aggregate of Roll No. 66—February, 1812.*

Expenses of State Paupers,	\$31,002 80
Do. Military,	6,516 92
Do. Sheriffs and Coroners,	404 46
Do. Printers,	4,270 64
Do. Miscellaneous,	6,977 70
Total,	<hr/> \$49,172 52

*Resolved*, That there be allowed and paid out of the public Treasury, to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons' names respectively, amounting in the whole to the sum of forty-nine thousand one hundred and seventy-two dollars, and fifty-two cents, the same being in full discharge of the accounts and demands to which they refer.

*In Senate, 27th February, 1812.*

Read and passed, sent down for concurrence.

SAMUEL DANA, *President*.

*In the House of Representatives, 28th February, 1812.*

Read and concurred,

ELEAZER W. RIPLEY, *Speaker*.

*Council Chamber, 28th February, 1812.*

Approved,

E. GERRY.

COMMONWEALTH OF MASSACHUSETTS

.....

*Secretary's office, 1st June, 1812.*

I hereby certify, that, agreeably to the direction of the Legislature, given by their resolve of the 16th of January last, I have carefully examined and collated the printed copies of the Resolves of the General Court, passed between the first day of June, 1810, and the first day of June, 1812, with the originals in this office, and find them correct.

*Attest,*

BENJAMIN HOMANS,

*Secretary of the Commonwealth.*



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TO RESOLVES OF JANUARY SESSION, 1812.

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